

MEETING  
STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE

CAL/EPA HEADQUARTERS  
JOE SERNA, JR., BUILDING  
1001 I STREET  
2ND FLOOR  
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SACRAMENTO, CALIFORNIA

THURSDAY, JUNE 2, 2005

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JAMES F. PETERS, CSR, RPR  
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

ADVISORY COMMITTEE MEMBERS

Ms. Diane Takvorian, Co-Chairperson, Environmental Health Coalition

Ms. Detrich Allen, Co-Chairperson, City of Los Angeles, Department of Environmental Affairs

Mr. David Arrieta, DNA Associates

Mr. Jose Carmona, California Environmental Rights Alliance (Alternate for Josephy Lyou)

Mr. Antonio Diaz, People Organizing to Demand Environmental Rights(PODER)(Alternate for Yuki Kidokoro)

Mr. Michael Dorsey, County of San Diego, Department of Environmental Health

Mr. Larry Greene, Sacramento Air Quality Management District(Alternate for Dr. Barry Wallerstein)

Ms. Brenda Jahns-Southwick, California Farm Bureau Federation

Mr. William Jones, County of Los Angeles Fire Department, Health Hazardous Materials Division

Ms. Barbara Lee, North Sonoma County Air Pollution Control District

Mr. Bruce Magnani, California Chamber of Commerce

Ms. Hermila Trevio-Sauceda, Lideres Campesinas

Ms. Cindy Tuck, California Council for Environmental and Economic Balance

Ms. Lenore Volturno, Pala Band of Mission Indians

Ms. LaDonna Williams, People for Children's Health and Environmental Justice (Alternate for Dr. Henry Clark)

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APPEARANCES CONTINUED

DEPARTMENT OF TOXICS SUBSTANCES CONTROL

Mr. Leonard Robinson, Chief Deputy Director

Mr. Jim Marxen, Chief, Public Participation Program

AIR RESOURCES BOARD

Ms. Linda Murchison, Assistant Division Chief, Planning &  
Technical Support Division

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Ms. Deborah Borzelleri, Staff Counsel

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Dr. Shankar Prasad, Deputy Secretary

Ms. Malinda Dumisani, Special Assistant for Environmental Justice

ALSO PRESENT

Ms. Marilyn Ababio, Paragon Global, CBDA

Ms. Penny Newmann, CCAEJ

Mr. Fraser Shilling, U.C. Davis

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1 PROCEEDINGS

2 CO-CHAIRPERSON TAKVORIAN: Good afternoon. My  
3 name's Diane Takvorian, and I'm the Co-Chair of the Cal  
4 EPA Environmental Justice Advisory Committee. And I  
5 apologize for starting ten minutes late. My Co-Chair, Dee  
6 Allen, had a flight problem and she won't be here till 3  
7 o'clock. So you're stuck with me.

8 And what I'd like to do to start off is to ask  
9 for introductions. So if everyone could go around, the  
10 Advisory Committee members first and then our visitors.

11 CALEPA DEPUTY SECRETARY PRASAD: Shankar Prasad,  
12 Cal EPA.

13 CIWMB STAFF COUNSEL BORZELLERI: Deborah  
14 Borzelleri, Staff Counsel, Integrated Waste Management  
15 Board.

16 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ:  
17 Antonio Diaz with PODER in San Francisco. I'm the  
18 alternate for Yuki Kidokoro from CBE.

19 ADVISORY COMMITTEE MEMBER TUCK: Cindy Tuck with  
20 the California Council for Environmental and Economic  
21 Balance.

22 ADVISORY COMMITTEE MEMBER JONES: Bill Jones with  
23 L.A. County Fire Department.

24 ADVISORY COMMITTEE MEMBER MAGNANI: Bruce Magnani  
25 with the California Chamber of Commerce.

1           ALTERNATE ADVISORY COMMITTEE MEMBER GREENE:

2   Larry Greene with Sacramento Air District. I'm Barry  
3   Wallerstein's alternate.

4           ADVISORY COMMITTEE MEMBER DORSEY: Michael  
5   Dorsey, San Diego County Environmental Health,  
6   representing the Certified Unified Program Agencies, the  
7   Environmental Health side.

8           ADVISORY COMMITTEE MEMBER VOLTURNO: Lenore  
9   Volutorno with the Pala Band of Mission Indians.

10          ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:  
11   Jose Carmona with CERA, alternate for Mr. Lyou.

12          ADVISORY COMMITTEE MEMBER ARRIETA: David  
13   Arrieta, DNA Associates.

14          CO-CHAIRPERSON TAKVORIAN: And, Mily, can you  
15   introduce yourself please?

16          ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: Yes.  
17   Mily Trevino-Sauceda with Lideres Campesinas, which means  
18   Farm Worker Women Leaders, in California.

19          CO-CHAIRPERSON TAKVORIAN: Okay. And Barbara Lee  
20   is joining us.

21          ADVISORY COMMITTEE MEMBER LEE: Introduce me.

22          CO-CHAIRPERSON TAKVORIAN: Barbara Lee with the  
23   Northern Sonoma County Air Pollution Control District.  
24   Welcome.

25          So then if we could start over here with our

1 visitors.

2 ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN:

3 Penny Newman with the Center for Community Action  
4 and Environmental Justice in Riverside/San Bernardino, and  
5 the alternate for Diane Takvorian.

6 DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Leonard  
7 Robinson, Chief Deputy Director for the Department of  
8 Toxic Substances Control.

9 MR. SHILLING: Fraser Shilling, University of  
10 California at Davis, Department of Environmental Science  
11 and Policy.

12 MR. VERACRUZEN: Paul Veracruzen with CERA.

13 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

14 LaDonna Williams with People for Children's  
15 Health and Environmental Justice. And also an alternate  
16 with Henry Clark, West County Toxics Coalition.

17 MR. ABRAMOWITZ: Mark Abramowitz, President,  
18 Community Environmental Services.

19 MR. OROZCO: Pablo Orozco, Calexico New River  
20 Committee.

21 ARB ASSISTANT DIVISION CHIEF MURCHISON: Linda  
22 Murchison with the California Air Resources Board.

23 MS. WYMAN: Sue Wyman with the Air Resources  
24 Board.

25 MR. HUI: Steve Hui with Cal EPA.

1 MR. SHIMP: Dale Shimp, California Air Resources  
2 Board.

3 MS. SALAZAR-THOMPSON: Hi. Sandra  
4 Salazar-Thompson with the Office of Public Affairs at the  
5 State Water Board.

6 SWRCB ASSISTANT CHIEF COUNSEL COBB: I'm Ted  
7 Cobb, Assistant Chief Counsel for the State Water Board.

8 MS. DUMISANI: Malinda Dumisani, Cal EPA.

9 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Jim  
10 Marxen, DTSC.

11 CO-CHAIRPERSON TAKVORIAN: Did anyone join us  
12 that I didn't -- that didn't have a chance to introduce  
13 themselves?

14 Okay. Thanks very much.

15 Is Henry going to be joining us?

16 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I  
17 assume that he was.

18 CO-CHAIRPERSON TAKVORIAN: Okay. Should we have  
19 LaDonna sit in?

20 Okay. If you want to sit at the table until --

21 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

22 Can I bring her with me?

23 CO-CHAIRPERSON TAKVORIAN: Sure. Or Mark will...

24 So welcome to everyone.

25 We have a really full agenda today. And the



1 Agenda Committee, which is Cindy Tuck and Barbara Lee and  
2 Dee Allen and myself and Shankar and Deborah and Malinda.  
3 And who else am I missing? -- I think that's it -- worked  
4 pretty hard to try to put this agenda together in a way  
5 that would flow, that we would allocate adequate time for  
6 the agenda for each of the items, so that we could get a  
7 full hearing but not too much. And I think that was kind  
8 of the balance we were trying to hit. So we've worked  
9 hard to do that. And we'll see whether it works or not.

10 And Dee and I had a strategy that is now out the  
11 window until she gets here. So we'll work on that.

12 But we are trying to be clearer about each of the  
13 items. And I think one of the things that we're wanting  
14 to focus on is to make sure that we know what the outcome  
15 is that we're looking for with each item. Is it a  
16 discussion item? Is it a decision item? And what's the  
17 decision that we're trying to work towards? So that we  
18 focus on the decision and the discussions around that  
19 decision. So hopefully our work will pay off.

20 I think that -- Jeanine has asked that everyone  
21 speak into the microphone so that our court reporter,  
22 who's wonderful and lasts a long time, will get every word  
23 that we say.

24 How long can we go without a break for you?

25 So if we broke at 3, 3:15, would that work?

1           Okay.  So let's aim for that.

2           And, Shankar, anything to add?

3           Okay.  Good.

4           So, Deborah, we'll turn it over to you.

5           CIWMB STAFF COUNSEL BORZELLERI:  Well, I think  
6 just to start, we had identified with this group that  
7 there was some issues about what the CEJAC's role is given  
8 what you were trying to accomplish at the last meeting and  
9 some confusion, that sort of thing.

10           (Thereupon an overhead presentation was  
11           Presented as follows.)

12           CIWMB STAFF COUNSEL BORZELLERI:  So we sort of  
13 backed up a little bit and decided that we needed to  
14 address the issue of what the role is and what the  
15 authority for the role is at this stage.  So they've asked  
16 me to sort of lend my legal gavel to this whole notion of  
17 the carrying on of the CEJAC group.

18           Now, everybody's aware that -- there was specific  
19 statutory direction regarding CEJAC in the early  
20 activities when you were developing -- when the  
21 Interagency Working Group was developing the strategy.  
22 And we think the statute is less clear about what the  
23 ongoing activities might be.  So Shankar and the other  
24 members of this group and I talked about what that might  
25 be.  Shankar has gotten input from the Secretary.  And my

1 view from all of this is that the Secretary is driving,  
2 for the most part, what this Committee needs to do. So we  
3 have worked out some language on what the role is. And  
4 that needs to be adopted at this meeting.

5 I think there -- there is some input desired,  
6 because obviously these are just words and we're people  
7 and there may be some things that have been missed. I  
8 think the substance is here of what the Secretary wants  
9 and how he's driving this.

10 So we need to just talk about -- and I don't  
11 think I'm going to lead this discussion, I'm just trying  
12 to lay a foundation -- the actual role that has been  
13 developed here. Everybody's had a chance to read this.  
14 It's certainly been out on the street so people can review  
15 it. You know, take some comments and then go ahead and  
16 have a vote about it.

17 If there is something really substantive that the  
18 group or the public wants to bring back to the Secretary,  
19 we would need to then go back to the Secretary and make  
20 sure that that works. At this stage he has approved and  
21 directed that this be what the role is at this stage.

22 So is everybody on board with that? Are we okay  
23 with that?

24 CO-CHAIRPERSON TAKVORIAN: Okay. So if  
25 everyone's received a copy of the role, I think that --

1 our goal is to approve a role document for the CEJAC.

2 So why don't we open up Committee discussion on  
3 that. Do we want to take public comment first? That's  
4 how it is on the agenda. I'm sorry.

5 Okay. So if we have public comment on this  
6 first, have we received any public comment slips?

7 MS. DUMISANI: No.

8 CO-CHAIRPERSON TAKVORIAN: So has anyone -- Okay.  
9 There's no public comment on this.

10 Just so that folks will know, we -- in an attempt  
11 to also move the meetings along, we've asked that each  
12 public comment be limited to three minutes per person. So  
13 we're going to try to enforce that at this meeting. And  
14 it will be easy for this one.

15 So why don't we then move to Committee  
16 discussion.

17 Okay. Antonio.

18 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Start  
19 off by saying that this is very helpful for me just in  
20 terms of getting clarity on the role of the Committee.  
21 Very helpful also in contextualizing what has been done  
22 already to get us where we're at.

23 I do have a couple of -- in consultation also  
24 with Yuki Kidokoro, some suggested language for the bullet  
25 points on the second page, "Specific Role".

1           And should I just mention those?

2                               --o0o--

3           ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ:

4   There's three different things. Two of which are related  
5   to bullet points that are -- a couple of points that are  
6   there and one other, an additional point.

7           So to start with, the first bullet talks about  
8   the implementation and evaluation of Cal EPA's EJ Strategy  
9   and Action Plan. I would recommend that it state:  
10   "Implementation and evaluation of Cal EPA's EJ  
11   recommendations from 2003, EJ Strategy and Action Plan."  
12   Because it doesn't make reference to the recommendations  
13   that were passed in September '03. So it's specifically  
14   to add that in there.

15           The second point relates to the second point  
16   there, the second bullet, which reads: "Incorporation of  
17   risk reduction, pollution prevention and precautionary  
18   approach concepts," et cetera. My suggestion would be to  
19   add: "Incorporation of risk reduction, pollution  
20   reduction and prevention," and then the rest would read as  
21   is. So that's the second point.

22           And then the final one, which would be in  
23   addition to the points that are there, the specific roles  
24   for the Committee would be to -- and the language which I  
25   have here which we could talk about maybe, but adding a

1 point that talks about identifying financial and technical  
2 resources to support environmental justice efforts. I  
3 think that's one of the things that's missing that could  
4 be helpful just in terms of identifying other resources  
5 that can help with the work of the Committee.

6 CO-CHAIRPERSON TAKVORIAN: Okay. Thank you.

7 Are there comments -- other comments on the role  
8 or comments, questions for Antonio?

9 Mike.

10 ADVISORY COMMITTEE MEMBER DORSEY: Antonio, I  
11 have a question with regards to your last -- the  
12 identification -- identifying financial and technical  
13 resources. I'm unclear what that entails. Is that -- can  
14 you be a little more specific?

15 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Well,  
16 I think that part of the context where that comes from for  
17 me is that one of the issues that we have faced is the  
18 fact that there are limited resources in terms of  
19 financial and technical to do -- whether it's pilot  
20 projects or other type of work for the Committee to really  
21 look at the implementation and evaluation, going back to  
22 the first point of the recommendations, the strategy and  
23 action plan.

24 I just wonder if we should call out that one of  
25 the things that we're willing to do is in a collaborative

1 way think about what are other resources out there,  
2 financial and/or technical, that could be utilized to help  
3 in the implementation in terms of moving the Committees's  
4 work forward.

5 I mean I just think that given the fiscal reality  
6 that we have, is there any -- some -- any thinking that we  
7 could provide suggestions about resources to be had from  
8 other sources that we could tap into? Might be useful to  
9 spell that out.

10 CALEPA DEPUTY SECRETARY PRASAD: Mike, I think  
11 another point that has been brought out in the first of  
12 the meetings and so on was that when we started out this  
13 committee part and how to engage this Committee again and  
14 so on, there were significant issues related to the  
15 resources. You want to hold the meetings and to provide  
16 for everybody, the requirements as by the statute to pay  
17 and so on. So we had to kind of find a way even among the  
18 BDOs and every place even in the regular holding of these  
19 meetings. So I think there is that aspect of it which has  
20 some meaning.

21 And thanks for bringing it out.

22 CO-CHAIRPERSON TAKVORIAN: Bruce.

23 ADVISORY COMMITTEE MEMBER MAGNANI: I was curious  
24 if some of those concerns were already addressed in the  
25 interpretation of Bullet No. 3. If you're identifying

1 obstacles and policy options to resolve -- or to overcome  
2 those, I think if you interpret that appropriately then I  
3 think you've handled the number 6 that was identified by  
4 Antonio.

5           ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: I  
6 guess what I was thinking, it would be useful to  
7 specifically call out those type of resources. I think  
8 that it's true in terms of the obstacles -- I mean  
9 obviously the lack of financial and technical resources  
10 would be an obstacle. But I think that, in particular,  
11 especially as Shankar just mentioned, I think that there's  
12 specific needs that we have that relate to those two  
13 categories that would be important in my mind to have up  
14 front and spell out specifically.

15           CO-CHAIRPERSON TAKVORIAN: LaDonna.

16           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

17           Also, in addition, Bullet Point 4, where it  
18 mentions, "Assistance in enhancing participation of the  
19 native American tribes and other communities groups," it  
20 is the understanding or the feeling of African American  
21 community groups that our participation has pretty much  
22 been minimized, not only on this Committee, but just even  
23 within Cal EPA. So if they are going to list native  
24 American tribes, we'd like an insert of also African  
25 Americans specifically listed in there.



1 CO-CHAIRPERSON TAKVORIAN: Are there other  
2 comments?

3 Cindy.

4 ADVISORY COMMITTEE MEMBER TUCK: Just take them  
5 one at a time.

6 The first one regarding adding a reference to the  
7 Committee's recommendations in the first bullet, this  
8 language is talking about Cal EPA's -- let's see, let me  
9 back up -- Cal EPA's implementation, their strategy and  
10 their action plan. But the language -- the introductory  
11 language at the top of page 2 does already reference that  
12 Cal EPA will be seeking input from the Committee regarding  
13 the recommendations. So that may already be covered  
14 there.

15 So I'd suggest not making a change on the first  
16 bullet.

17 Your second suggestion about adding "reduction"  
18 after "pollution," I think that's a very good change and  
19 I'd recommend that we do that.

20 And the third change, I think that would be good  
21 as long as it's understood that that would be consistent  
22 with state law. And I think that would be your intent.

23 CO-CHAIRPERSON TAKVORIAN: So are we -- does  
24 anyone else have a comment?

25 Okay, Bill.

1           ADVISORY COMMITTEE MEMBER JONES: Yeah, I was  
2 looking at the last bullet there, "Development of  
3 assessment tools." And is that on the assumption that Cal  
4 EPA's going to be developing the assessment tools and we  
5 are going to review it, or are we going to actually be  
6 developing the assessment tools?

7           CALEPA DEPUTY SECRETARY PRASAD: No. You will be  
8 reviewing it.

9           ADVISORY COMMITTEE MEMBER JONES: Okay. So that  
10 was just a point of clarification there.

11          CO-CHAIRPERSON TAKVORIAN: Mily.

12          ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: I  
13 would want to add in terms of the fourth -- I think it's  
14 the fourth bullet, where it's talking about, yes, the  
15 native American tribes, if we're going to be including the  
16 African Americans, farm workers, which are the most  
17 disenfranchised and most invisible, should be added.

18          CO-CHAIRPERSON TAKVORIAN: Mike.

19          ADVISORY COMMITTEE MEMBER DORSEY: I certainly  
20 understand the concern for the various groups. But I  
21 think maybe if we can come up with a broad term that would  
22 encompass all of the groups. Because what's going to  
23 happen, I'm afraid, is that we're going to be spelling out  
24 every type of group in that paragraph. And not to be -- I  
25 don't want to sound negative, but I think if we can come

1 up with one term that maybe -- I think we came up with a  
2 term when we defined environmental justice, what -- people  
3 of color and that nature. Maybe we can do it that way  
4 rather than single out different groups. Just a  
5 suggestion.

6 CO-CHAIRPERSON TAKVORIAN: So do you have -- do  
7 you have a suggestion for how to do that?

8 (Laughter.)

9 ADVISORY COMMITTEE MEMBER DORSEY: I'll have to  
10 think about it.

11 CO-CHAIRPERSON TAKVORIAN: Okay. I'm going to go  
12 with Lenore and then Bruce and then Cindy.

13 ADVISORY COMMITTEE MEMBER VOLTURNO: I just had a  
14 comment about the Native Americans he mentioned. And,  
15 that is, that one of the things with  
16 government-to-government consultation is that Native  
17 Americans have secretarial orders that require other  
18 government agencies to do government-to-government  
19 consultations. So that's kind of separate and aside.  
20 They're not really specifying Native Americans as a race.  
21 It's more I think as a government-to-government  
22 consultation issue.

23 So, you know, I would just request that that be  
24 taken into consideration, especially when dealing with  
25 public participation. And we would just like to stay --

1 you know, make sure that native American is listed  
2 separately specifically for that reason.

3 CO-CHAIRPERSON TAKVORIAN: Okay. Bruce.

4 ADVISORY COMMITTEE MEMBER MAGNANI: If there's an  
5 opportunity, I think I would echo Michael's comments. And  
6 in recognition of Lenore's comments, if you call out the  
7 native American tribes because of that  
8 government-to-government recognition, the necessity for  
9 that; and then find a definition, and maybe Cindy has one,  
10 talking about traditionally under-represented communities  
11 or something to that nature that is more global, like  
12 Michael was talking about. I don't have that language,  
13 but I'm sure it exists somewhere in referencing these  
14 types of issues.

15 CO-CHAIRPERSON TAKVORIAN: Cindy.

16 ADVISORY COMMITTEE MEMBER TUCK: The state law  
17 definition references people of all races, cultures and  
18 incomes.

19 CO-CHAIRPERSON TAKVORIAN: I'm going to call on  
20 LaDonna -- I mean I think that the reference here is to  
21 not be broad in the sense of it's to enhance I think the  
22 folks that Bruce was reflecting, which are people who are  
23 generally not represented or don't have the opportunity to  
24 participate as much as others.

25 ADVISORY COMMITTEE MEMBER MAGNANI: Traditionally

1 under-represented.

2 CO-CHAIRPERSON TAKVORIAN: Right. So I think  
3 it's not meant to be the broad broad, but broad within the  
4 under-represented group.

5 So LaDonna and then Mike.

6 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I  
7 know it's kind of a new -- there are some new members  
8 here, as well as a new administration. But I think if we  
9 look back on the beginning of this Committee being formed  
10 and what we had to go through to get inclusion of African  
11 Americans here, I think it's very important to be specific  
12 and to spell it out. And it's been our experience here  
13 that if you're not specific enough, it leaves open too  
14 many loopholes. So I think we need to list them and be  
15 specific.

16 CO-CHAIRPERSON TAKVORIAN: Mike.

17 ADVISORY COMMITTEE MEMBER DORSEY: I was on the  
18 original committee and I can remember all the discussions  
19 we had about this. And so my recommendation -- and  
20 unfortunately I don't have it in front of me -- but we did  
21 put together a report to the Secretary. And within that  
22 report to the Secretary I believe we spelled out. It  
23 encompassed everything that we wanted to encompass. So if  
24 took the language out of that and plugged it in here, I  
25 think that would resolve the issue.

1           ADVISORY COMMITTEE MEMBER MAGNANI: Do we have  
2 that document as a resource?

3           CO-CHAIRPERSON TAKVORIAN: We do.

4           Deborah, that's -- yes, that's the document.

5           So while we're getting that, perhaps except for  
6 that bullet, does somebody have a motion that they  
7 would -- we've had some discussion about it. Is someone  
8 prepared to make a motion to move this forward with  
9 incorporating the discussion as you may want to?

10          David.

11          ADVISORY COMMITTEE MEMBER ARRIETA: Yeah, I move  
12 that we incorporate Antonio's recommendations as modified  
13 by Cindy and Michael for the inclusion of the other  
14 language.

15          CO-CHAIRPERSON TAKVORIAN: Okay. So is there a  
16 second?

17          ADVISORY COMMITTEE MEMBER MAGNANI: Second.

18          CO-CHAIRPERSON TAKVORIAN: Bruce.

19          Does somebody have this written down?

20          ADVISORY COMMITTEE MEMBER TUCK: I do except for  
21 the middle -- the part you're working on.

22          CO-CHAIRPERSON TAKVORIAN: Right. So can you  
23 read it back?

24          Why don't we work on that in a second.

25          So, Cindy, can you read back what you have.

1           ADVISORY COMMITTEE MEMBER TUCK: On the second  
2 bullet the word "reduction" would be inserted after  
3 "pollution".

4           CO-CHAIRPERSON TAKVORIAN: Right.

5           ADVISORY COMMITTEE MEMBER TUCK: And at the last  
6 bullet -- or there would be a new bullet added that would  
7 become the last bullet which says something like  
8 "Identified financial and technical resources" -- oh, it's  
9 up there. Okay, great.

10           -- "Identifying financial and technical resources  
11 to assist EJ efforts," and I added to the end of it,  
12 "consistent with state law."

13           CO-CHAIRPERSON TAKVORIAN: So you didn't make a  
14 change to the first bullet?

15           ADVISORY COMMITTEE MEMBER TUCK: I suggested to  
16 leave the first bullet out because the concept is covered  
17 by the language at the top of page 2.

18           Correct, my modification did not include a change  
19 to the first bullet.

20           CALEPA DEPUTY SECRETARY PRASAD: Cindy --

21           ADVISORY COMMITTEE MEMBER TUCK: The first bullet  
22 would remain as is.

23           CALEPA DEPUTY SECRETARY PRASAD: Just a  
24 clarification on that point.

25           If you recall some of the discussions we had in

1 our responding -- coming to this issue, a portion of this  
2 is supposed to go into the bylaws. If you say that  
3 reference so we were thinking only this portion of the  
4 specific role would be the one that would go into the  
5 bylaws. But on the other hand, if you are referring to  
6 that, I think then somehow we'll have to incorporate the  
7 whole thing into the bylaws.

8 That's not a problem, but I just wanted to alert  
9 you to that. So --

10 ADVISORY COMMITTEE MEMBER TUCK: Okay. And  
11 that's good for everyone to know you're thinking that.

12 CALEPA DEPUTY SECRETARY PRASAD: Yes.

13 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: So  
14 just to clarify then. If the agreement is that the whole  
15 document goes into the bylaws, then I think it's fine  
16 to -- in terms of my suggested change for the first point  
17 not to be included since it's explicitly stated in the  
18 body of this document. However, if only the bullet points  
19 are to be included, I would strongly suggest that the  
20 reference to the 2003 recommendations be included in  
21 there, because obviously that's part of the broad context  
22 of which we're working under.

23 CO-CHAIRPERSON TAKVORIAN: So we're going to keep  
24 it in because we're not sure exactly what's going into the  
25 bylaws? I was listening to two. Did I get it wrong?



1           ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Well,  
2 I guess that's my question. If only the bullet points  
3 will be included, then I would recommend that the edit  
4 that I suggested stay in. If it's not or we're not sure  
5 or -- so if it's not or we're not sure, then it stay in.  
6 If the whole thing will go no in and it's strongly  
7 referenced the rest of the document, then I'm fine with it  
8 not being there.

9           CO-CHAIRPERSON TAKVORIAN: Cindy, did you have a  
10 comment?

11          ADVISORY COMMITTEE MEMBER TUCK: Well, just  
12 thinking out loud. One option might be to have the bylaws  
13 have this as an appendix, and so that the whole document  
14 would become, you know, part of the bylaws or, you know, a  
15 reference incorporated here to that kind of thing, so the  
16 whole document would be incorporated.

17          CO-CHAIRPERSON TAKVORIAN: Okay. Are we going to  
18 discuss that specifically in terms of amendment to the --  
19 we're not discussing amendment to the bylaws until the  
20 next meeting, right? So I think we can decide then.

21          I guess my own sense would be that these bullets  
22 may get -- this specific role and these bullets may get  
23 separated out and used by themselves, so we may want to be  
24 as inclusive as we can be. And if that wasn't in your  
25 original motion, then it's not in David's motion. So I

1 think we have a motion and a second to have it be amended  
2 the way you read it, including Bullet 1 and the rest of  
3 the amendments. And then we'll change Bullet 4 in a  
4 second.

5 Is that okay, to keep it going forward that way?

6 ADVISORY COMMITTEE MEMBER TUCK: That's what the  
7 current motion is.

8 CO-CHAIRPERSON TAKVORIAN: Right. Okay.

9 So then the language from the report that was  
10 handed to me -- and I think -- I actually think there's  
11 another place that -- no, okay -- that we're looking at  
12 here is people of color, native American tribes, farm  
13 workers and low income communities.

14 ADVISORY COMMITTEE MEMBER TUCK: What page is  
15 that on?

16 CO-CHAIRPERSON TAKVORIAN: That is on page --  
17 it's on the introduction. So it's on page 1.

18 I think there's another place that is slightly  
19 different, but I couldn't point to it immediately. But  
20 that's -- Mike, do you want to recommend that or --

21 ADVISORY COMMITTEE MEMBER DORSEY: I would  
22 recommend that we incorporate that language into the  
23 specific roles.

24 CO-CHAIRPERSON TAKVORIAN: David, as the maker?

25 ADVISORY COMMITTEE MEMBER ARRIETA: That's fine

1 with me.

2 CO-CHAIRPERSON TAKVORIAN: Bruce, second, is  
3 that -- are you okay with that amendment?

4 ADVISORY COMMITTEE MEMBER MAGNANI: That's fine.

5 CO-CHAIRPERSON TAKVORIAN: Okay. Is there  
6 Committee discussion on that change?

7 Okay. So everyone's clear on what the full  
8 motion is, it's as Cindy read it with now the addition of  
9 Bullet No. 4.

10 Yes?

11 ADVISORY COMMITTEE MEMBER TUCK: Could we see the  
12 language on the screen, so we're all clear?

13 CO-CHAIRPERSON TAKVORIAN: Okay. Can we go back  
14 to the first one?

15 Okay. And now to number 3?

16 ADVISORY COMMITTEE MEMBER TUCK: And, Diane --

17 CO-CHAIRPERSON TAKVORIAN: Sorry.

18 ADVISORY COMMITTEE MEMBER TUCK: -- the way --  
19 and correct me if I'm wrong -- I think the way the motion  
20 was was to take the changes in number 1 out and then have  
21 it -- make sure that we include the text of the other part  
22 of the document, the first paragraph. Did that get  
23 changed in the subsequent motion?

24 CO-CHAIRPERSON TAKVORIAN: Huh-uh.

25 ADVISORY COMMITTEE MEMBER TUCK: Okay. So what's

1 inserted in 1 then would be deleted?

2 CO-CHAIRPERSON TAKVORIAN: No, that wasn't  
3 deleted, because that wasn't included in your changes  
4 and --

5 ADVISORY COMMITTEE MEMBER ARRIETA: Yeah, it was.  
6 That's what Cindy suggested.

7 ADVISORY COMMITTEE MEMBER TUCK: Right.

8 CO-CHAIRPERSON TAKVORIAN: Okay. But then when I  
9 asked you, you said, no, it wasn't included --

10 ADVISORY COMMITTEE MEMBER TUCK: -- if it --

11 CO-CHAIRPERSON TAKVORIAN: But it should be  
12 included if this document in its entirety was not going  
13 into the bylaws. That's what I had heard.

14 ADVISORY COMMITTEE MEMBER TUCK: But if this  
15 whole document would be incorporated in the bylaws,  
16 then --

17 CO-CHAIRPERSON TAKVORIAN: -- then it wouldn't be  
18 necessary.

19 ADVISORY COMMITTEE MEMBER TUCK: -- then we  
20 wouldn't need that change.

21 CO-CHAIRPERSON TAKVORIAN: But it wasn't, and we  
22 don't know.

23 ADVISORY COMMITTEE MEMBER TUCK: But the motion  
24 that's on the table would recognize -- I mean we haven't  
25 decided what the change to the bylaws is going to be. But

1 the motion on the table --

2 CO-CHAIRPERSON TAKVORIAN: My misunderstanding  
3 then.

4 Right. Sorry.

5 Okay. Antonio.

6 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Well,  
7 just to say that the "would be's" and all that, I'm a bit  
8 concerned and uncomfortable with in terms of the suggested  
9 language that I had. I guess not having clarity on that  
10 makes me feel uncomfortable in terms of deleting it.

11 CO-CHAIRPERSON TAKVORIAN: Okay. Why don't we --

12 ADVISORY COMMITTEE MEMBER ARRIETA: If we're  
13 going to include it, I think it needs to be rewritten,  
14 because the way it reads is not right. I think the way I  
15 would rewrite it would be: "Implementation and evaluation  
16 of Cal EPA's EJ strategy and action plan consistent with  
17 CEJAC's 203 Recommendations Report," if we're going to  
18 leave that language in there. Because the way it reads,  
19 we're not going to evaluate those recommendations again.  
20 That was a two-year process already.

21 ADVISORY COMMITTEE MEMBER TUCK: Or "in  
22 consideration of"?

23 CO-CHAIRPERSON TAKVORIAN: So "consistent with"  
24 is your --

25 ADVISORY COMMITTEE MEMBER ARRIETA: That would be

1 fine with me.

2 CO-CHAIRPERSON TAKVORIAN: So the maker's --  
3 okay, Mike.

4 ADVISORY COMMITTEE MEMBER DORSEY: Just a quick  
5 question. Doesn't the action plan incorporate the  
6 recommendations of the report?

7 CO-CHAIRPERSON TAKVORIAN: (Shakes head.)

8 ADVISORY COMMITTEE MEMBER DORSEY: It doesn't.  
9 Okay.

10 CO-CHAIRPERSON TAKVORIAN: Bruce.

11 ADVISORY COMMITTEE MEMBER MAGNANI: A question  
12 for counsel.

13 If we noticed the bylaw -- the agenda item with  
14 bylaws, if we include this language here and we decide at  
15 the next meeting to not include the entire document but  
16 just the bullets, can we make those amendments at that  
17 time?

18 If I can clarify. The question is whether or not  
19 we use the entire document or we just use the bullet  
20 points. If it's going to be an agenda item at the next  
21 meeting, amending the bylaws, at that point can we make  
22 adjustments to the language and then adopt them all at the  
23 same meeting as long as it's agendized?

24 CIWMB STAFF COUNSEL BORZELLERI: Yes.

25 ADVISORY COMMITTEE MEMBER MAGNANI: So --

1 CIWMB STAFF COUNSEL BORZELLERI: The question is:  
2 Do you want to put the role to bed at this meeting? I  
3 mean you can always amend it again later.

4 ADVISORY COMMITTEE MEMBER MAGNANI: Right.

5 CIWMB STAFF COUNSEL BORZELLERI: And you may want  
6 to be that specific on the next agenda. But, yes, that  
7 can all be done at a subsequent meeting.

8 I don't know if that helps or not.

9 ADVISORY COMMITTEE MEMBER MAGNANI: It does.

10 Thank you. To me it's whatever the comfort level of the  
11 Committee is. To me it's six on one, half dozen on the  
12 other.

13 CO-CHAIRPERSON TAKVORIAN: Did you want to  
14 respond to --

15 CALEPA DEPUTY SECRETARY PRASAD: I just want to  
16 make sure that this a recommendation -- those changes of  
17 the role, that you are making a recommendation to this  
18 directly. Until it is kind of finally approved, it still  
19 remains as a recommendation.

20 CO-CHAIRPERSON TAKVORIAN: Okay. I want to get  
21 all comments on this bullet.

22 Is this on this bullet?

23 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

24 No.

25 CO-CHAIRPERSON TAKVORIAN: No. Okay.

1           Are you still -- do you want to have another  
2 comment?

3           ADVISORY COMMITTEE MEMBER MAGNANI: Sure. But  
4 I'll wait till later.

5           (Laughter.)

6           CO-CHAIRPERSON TAKVORIAN: Okay. I guess I want  
7 to get clear on whether we're talking about language or  
8 whether we're talking about substance here. If we're  
9 comfortable with the 2003 recommendations being referred  
10 to in the document -- I guess I'm not clear on what the  
11 issue is. If it's referred to again, it's hard to imagine  
12 that we're having this discussion about redundancy. So if  
13 somebody has a problem with the 2003 recommendations being  
14 referenced, then maybe that ought to come out.

15           And If there's no objection to it, then I think  
16 we either -- can we make that argument? Because I'm not  
17 understanding why it's a problem to have them referenced.

18           ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: Can  
19 we just call for the vote?

20           CO-CHAIRPERSON TAKVORIAN: We can do that.

21           Okay. If we're done on Bullet No 1, are there  
22 questions on Bullet No. 2 since there were changes?

23 Everyone's...

24           Number 3's fine.

25           I think we have a comment on number 4.



1 LaDonna.

2 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

3 Just for clarity. I understand that they  
4 inserted the "people of color" because that's the language  
5 that's in the document.

6 So could you explain why farm workers is being --

7 CO-CHAIRPERSON TAKVORIAN: Yeah, I read out of  
8 the document.

9 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

10 Okay. So basically in the document -- and if I'm  
11 not mistaken, I think we mentioned we wanted African  
12 Americans listed and they took that out then too, if I  
13 remember correctly.

14 So I guess I'm asking a question. Is there a  
15 problem with specifically listing African Americans in  
16 this particular language? Because every time we seem to  
17 want to list it, there's always opposition to it. And I  
18 guess I got to repeat it again. Just looking at the  
19 make-up of the Committee where African American voices  
20 have been minimized, I think it's very important that we  
21 be specific and listed in there.

22 CO-CHAIRPERSON TAKVORIAN: Do have a specific --  
23 do you want to specifically ask the maker of the motion to  
24 amend that bullet?

25 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

1           Yeah. I'm sorry. Yes, that's what I'm asking.

2           CO-CHAIRPERSON TAKVORIAN: And add "African  
3 American" to the list.

4           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: To  
5 the list.

6           CO-CHAIRPERSON TAKVORIAN: And so the maker of  
7 the motion?

8           ADVISORY COMMITTEE MEMBER ARRIETA: I don't have  
9 a problem with that.

10          CO-CHAIRPERSON TAKVORIAN: The seconder?

11          ADVISORY COMMITTEE MEMBER MAGNANI: That's fine.

12          CO-CHAIRPERSON TAKVORIAN: Okay. And the last  
13 bullet, any comments on that?

14          Okay. If there's no more discussion, then we'll  
15 call for the question.

16          All those in favor of the motion please say aye.

17          (Ayes.)

18          CO-CHAIRPERSON TAKVORIAN: All those opposed?

19          Okay. Abstentions?

20          Okay. It passes.

21          Good. Thank you.

22          Okay. So we're moving on to the goals for the  
23 environmental justice action plan projects.

24          Okay. So all of you should have the CEJAC Draft  
25 Recommended Goals for Pilot Project inclusion in Cal EPA

1 Environmental Justice Projects. It looks like this.

2 Does everyone have copies of that?

3 This was a discussion item that occurred at the  
4 last meeting. We had a full discussion. I don't think  
5 anyone would argue with me about that.

6 But it was not properly agendized. So we are  
7 bringing it back today to ask for approval. And it's the  
8 view of the Agenda Committee, I think, that there was a  
9 full discussion, and we're hoping that this will be a  
10 short discussion.

11 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA: In  
12 light of that, can I just make a motion for full adoption?

13 CO-CHAIRPERSON TAKVORIAN: Absolutely.

14 ADVISORY COMMITTEE MEMBER VOLTURNO: And I'd like  
15 to second that.

16 CO-CHAIRPERSON TAKVORIAN: So there's a motion  
17 and a second.

18 Let me see if there is any public comment. Do we  
19 have slips?

20 MS. DUMISANI: No.

21 CO-CHAIRPERSON TAKVORIAN: Okay. No public  
22 comment.

23 Committee discussion?

24 Mike.

25 ADVISORY COMMITTEE MEMBER DORSEY: Does this in

1 any way delay the current pilot projects that have been  
2 identified by Cal EPA that are on the table?

3 CALEPA DEPUTY SECRETARY PRASAD: No.

4 CO-CHAIRPERSON TAKVORIAN: Any other comments?

5 Okay. So all those in favor?

6 (Ayes.)

7 CO-CHAIRPERSON TAKVORIAN: Opposed?

8 Abstentions?

9 Wow. It's early dinner time for us.

10 That's got to be a record.

11 (Laughter.)

12 CO-CHAIRPERSON TAKVORIAN: So public  
13 participation?

14 Is Jim Marxen actually here? Did he think this  
15 would actually ever happen?

16 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: No.

17 (Laughter.)

18 CO-CHAIRPERSON TAKVORIAN: As I understand,  
19 you've been at all of the meetings where this has been  
20 agendized.

21 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Yeah,  
22 I've been waiting.

23 Is this on? Can you hear me?

24 The green light's on. Can you hear me?

25 CO-CHAIRPERSON TAKVORIAN: So I just want to set

1 the context, that we're going to hear staff presentation  
2 from Jim. And we are not looking to make a decision  
3 today. We are going to give feedback and receive public  
4 comment. And then this item is going to come back to the  
5 Committee at the next meeting. Is that my understanding?

6 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: I didn't  
7 think that that was -- these items are going to proceed.  
8 We needed to get them underway. There's a lot of work to  
9 be done. Your recommendations will certainly be  
10 incorporated. And the intention is to include -- various  
11 members of this Committee have participated in the work  
12 group that has formed those recommendations. And we  
13 wanted to get moving on them.

14 Shankar, help me out here. You know, there may  
15 be other opportunities.

16 It's yours.

17 CALEPA DEPUTY SECRETARY PRASAD: Your goal here  
18 and the intent here is that we will certainly take into  
19 consideration your recommendations and modify it to the  
20 extent possible. And we'll circulate that document to you  
21 all. And want to get sort of a nod from you at least on a  
22 couple of items. And they'll be listed so that the work  
23 can then get initiated.

24 If there are of course very significant  
25 challenges as we move along and we think that it is kind

1 of something which is not the direction, and if you are  
2 very much concerned on the fundamental direction in which  
3 it is being pursued or have significant modifications,  
4 certainly we'll take it back and think -- we'll certainly  
5 be forced to come back with not much of a progress in that  
6 case back to the Committee.

7 CO-CHAIRPERSON TAKVORIAN: Okay.

8 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Diane,  
9 these recommendations are, as you can tell, very broad.  
10 And the details are where we're really going to have to  
11 wrestle with the details.

12 So I think that if we can get moving and start to  
13 get input from the stakeholders, we will have significant  
14 changes in terms of how they actually come out in the  
15 wash.

16 So we deliberately kept them broad.

17 CO-CHAIRPERSON TAKVORIAN: Right. What I meant  
18 by coming back was not that it should be delayed, but I  
19 was trying to set the context for the Committee that we  
20 were not looking for a decision to endorse or approve the  
21 report and the recommendations that you've made in the  
22 draft; that we're looking to give you feedback; and that  
23 we're not looking for a motion from the Committee,  
24 necessarily, because we have not agendized that.

25 So you'll be getting feedback from the Committee.

1 And we'll have hopefully a far-reaching discussion about  
2 it that you'll be taking note of.

3 And -- right. That's my understanding. I  
4 thought -- I thought we were going to be really precise  
5 about this.

6 Okay. That's an omission.

7 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: I'm  
8 missing what Shankar's saying there.

9 CALEPA DEPUTY SECRETARY PRASAD: No, the agenda  
10 says at the end for -- it says, "Committee discussion."  
11 And the next part is a recommendation. So it's missing  
12 that part of that. So that is our mistake, in which --

13 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: You're  
14 saying it should have included "and vote"?

15 CALEPA DEPUTY SECRETARY PRASAD: Well, Committee  
16 discussion and recommendation. Suppose they were to add a  
17 few more considerations into that. Well, certainly that  
18 recommendation would be considered. So it's now falling  
19 short of that, so --

20 CO-CHAIRPERSON TAKVORIAN: So is that a problem,  
21 Deborah?

22 CIWMB STAFF COUNSEL BORZELLERI: I think it's  
23 okay.

24 CO-CHAIRPERSON TAKVORIAN: Okay.

25 CIWMB STAFF COUNSEL BORZELLERI: Yeah.

1 CO-CHAIRPERSON TAKVORIAN: All right.

2 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: I will  
3 do whatever you want me to do. I just --

4 CO-CHAIRPERSON TAKVORIAN: No, it's not -- it's  
5 less about what you are going to do and it's more about  
6 what we need to do. And I was trying to get really clear  
7 so the Committee doesn't have a far-ranging discussion and  
8 then feel like it's got to get back to a decision. But if  
9 we're looking for feedback that is then incorporated into  
10 a committee consensus about feedback, then we all know  
11 where we're heading. And if that's where we're heading,  
12 then we can move in that direction. And I'll try to  
13 facilitate that to happen.

14 But I think if we were just going to give you  
15 feedback and have a discussion, that's a different matter.  
16 So --

17 ADVISORY COMMITTEE MEMBER MAGNANI: So, Diane --

18 CO-CHAIRPERSON TAKVORIAN: -- I guess it's up to  
19 us.

20 ADVISORY COMMITTEE MEMBER MAGNANI: -- at the  
21 next meeting then it would be a vote only or an action  
22 only without discussion the next time?

23 CIWMB STAFF COUNSEL BORZELLERI: I actually think  
24 in this one, you know -- and we probably -- we're finding  
25 our way here now. You've got it on the agenda. If



1 somebody wanted to come talk about it and hear about it  
2 and you all have some consensus or recommendations, I  
3 think you can give them to Jim at this point.

4 ADVISORY COMMITTEE MEMBER MAGNANI: Okay. So we  
5 could make a motion?

6 CIWMB STAFF COUNSEL BORZELLERI: The problems  
7 we've had in the past really are not even having it on the  
8 agenda.

9 ADVISORY COMMITTEE MEMBER MAGNANI: I agree.

10 CIWMB STAFF COUNSEL BORZELLERI: So this is --

11 ADVISORY COMMITTEE MEMBER MAGNANI: So you think  
12 that the inadvertent clerical error that occurred here  
13 without having the single word "recommendation" then is  
14 okay to go ahead and make the recommendation?

15 CIWMB STAFF COUNSEL BORZELLERI: Yes, I do.

16 ADVISORY COMMITTEE MEMBER MAGNANI: Excellent.

17 CO-CHAIRPERSON TAKVORIAN: Great.

18 Okay. So we can do that.

19 And so would you like to make a staff  
20 presentation?

21 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Yes.

22 I'll be formal here in this part. I'll introduce myself  
23 for those of you who don't know me.

24 (Thereupon an overhead presentation was

25 Presented as follows.)

1           DTSC PUBLIC PARTICIPATION CHIEF MARXEN: I'm Jim  
2 Marxen. I'm Chief of the Department of Toxic Substances  
3 Control Public Participation Program. And I'm actually  
4 speaking for a number of folks, including many of you on  
5 the work group here who have participated in a very long  
6 process that dates back to August of last year who have  
7 helped -- you're seeing the end product, which are these  
8 recommendations of that process. Many people have been  
9 consulted and involved in this process. And we ended up  
10 with five recommendations that we would like to begin work  
11 on and flesh out and eventually develop some guidelines  
12 that we can apply to Agency-wide activities.

13           The first thing that we did was to develop a  
14 policy statement, which is up in front of you on this  
15 first slide. I don't know if you want me to read that.  
16 But what we do want to do is make sure that all members of  
17 the public have access to our decision-making process.  
18 And that is going to apply to each BDO and the Agency  
19 itself.

20           We will begin early in the decision-making  
21 process and continue through the implementation of a  
22 decision. This is a very, very broad statement. I  
23 understand that. And, again, the Devil is going to be in  
24 the details as to what that means.

25           I'm not sure I have the answer to all those

1 questions as to what all those words will end up meaning  
2 when we're through with this process. But that's the  
3 general policy statement that we developed.

4 --o0o--

5 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: What we  
6 want to do at -- the second phase is to begin a discussion  
7 with community groups, industry and other interested  
8 parties on the recommendations that are listed here. So  
9 once this meeting is over and we've included your  
10 recommendations into the recommendations that are here,  
11 I'm going to be calling a series of meetings with our work  
12 group that we've been using, which is a very loosely knit  
13 group of folks who have participated in this process, to  
14 begin developing actual work products that are associated  
15 with all five of these recommendations.

16 So the first recommendation is to develop -- oh,  
17 one other point. Some of these recommendations are --  
18 will take less time than others. Some of them are very  
19 complex. The recommendations may be a little deceptive  
20 actually because they're short. But there will be a lot  
21 of work that is associated with each one of them. Others  
22 may not take as long.

23 The first two that we're going to talk about are  
24 ones that probably a lot of work has already been done on  
25 and we can use that existing work to build on.

1           The first one is a complaint resolution process  
2 that can be applied to all the BDOs in Cal EPA. I wanted  
3 to use -- well, first of all -- well, it's complaint  
4 resolution process that we're talking about. We want to  
5 develop a process whereby members of the public can raise  
6 concerns about environmental factors in their community  
7 and how we do our business and get them resolved in a  
8 relatively expeditious way, and get a response back from  
9 the Agency as to how that complaint was resolved.

10           To begin the process we would like to use the Air  
11 Board's complaint resolution process that underwent a  
12 significant public involvement process a couple of years  
13 ago. That doesn't mean that we're going to end up with a  
14 complaint resolution process that mimics or mirrors the  
15 ARB's complaint resolution process. But we'd like to use  
16 that experience that they have and build upon it.

17           There are also complaint resolution processes  
18 throughout the Agency that are currently in use. And we  
19 want to use them as a starting point as well.

20           There are obviously some needs that are out  
21 there. We want to use the public process to identify some  
22 of those needs. We're going to seek input in it. Then  
23 eventually we're going to develop some draft proposals.

24           So any question on Recommendation No. 1? Or do  
25 you want me to hold that until the end?

1                               --o0o--

2               DTSC PUBLIC PARTICIPATION CHIEF MARXEN: The  
3 second recommendation deals with plain language. The  
4 reason for this is we generate a number of documents.  
5 Most of you have seen those documents. Sometimes you may  
6 understand them, sometimes you may not understand them.  
7 But we want to create documents that everyone can  
8 understand when we send them out, because there's no point  
9 in spending all that time and effort to produce documents  
10 that no one understands.

11              Plain language is a fairly common approach. It's  
12 used at the federal level quite extensively. There is  
13 actually language in state statute -- Debbie, you can help  
14 me out there if somebody's actually asking for the  
15 citation -- but there is language in state law that  
16 requires public agencies in the State of California to use  
17 plain language. And we just need to do it.

18              So there are existing policies out there. DTSC  
19 does have an internal policy and guidance document  
20 regarding plain language. It is a very difficult thing to  
21 implement because: What is plain language? Staff have to  
22 learn how to do it. They have to learn how to write in a  
23 way that is understandable to the general public.

24              So we're going to have a lot of work internal  
25 with that one. But we'll be seeking input on existing

1 policies that work elsewhere.

2 Any questions on 2?

3 --o0o--

4 DTSC PUBLIC PARTICIPATION CHIEF MARXEN:

5 Recommendation 3. Now, this is one that's going  
6 to require a lot of work. Again, it looks somewhat simple  
7 because it's short. But I foresee a lot of effort being  
8 put into this particular recommendation.

9 What the goal here is to develop common  
10 guidelines for public outreach across all BDOs within Cal  
11 EPA and to develop a regional approach for public  
12 participation within the Agency. Actually there are two  
13 separate items put into one recommendation.

14 What are common guidelines is going to be a  
15 fairly extensive process. Every one of the BDOs has some  
16 process for reaching out to its constituency. What we'd  
17 like to do -- I didn't know if you had a question. What  
18 we would like to do is develop a common process where the  
19 public can expect a -- there is an expected level of  
20 public participation there that the public is aware of.  
21 They know how to access it. We know how to access it.  
22 And that there's an expectation that you will receive that  
23 level of service.

24 We also want to have a process by which if the  
25 public interest is higher, that the Agency or the BDOs can

1 enhance its public participation efforts. There are some  
2 projects that the public is not as interested in. There  
3 are some projects the public has a lot of interest in. We  
4 have to develop assessment tools to understand what the  
5 level of interest is and we have to have a process that  
6 can adapt to increasing public interest as we go along.

7           So we will be looking at the existing policies  
8 and mandates. And some of you have probably already seen  
9 on the Cal EPA website there is an inventory of public  
10 participation processes and mandates up there already.  
11 That's a good starting point for the discussion.

12           We want to look at the commonalities that  
13 currently exist. We want to look at mandates which  
14 require a certain level of public involvement; for  
15 instance, the boards are mandated to operate in a certain  
16 way. When there is rule making involved, rule making  
17 requires a certain process for public involvement.

18           Site specific requirements also apply,  
19 particularly in the case of DTSC. Some of you are  
20 familiar with the mandates that are on the books for  
21 DTSC's public outreach.

22           I lost my train of thought.

23           What this will involve is breaking these down  
24 into bite-size chunks that we can address, with input from  
25 our stakeholders -- and, again, that stakeholders group is

1 fairly broad -- and develop a processes and guidance that  
2 does address the needs of communities and provides a  
3 common approach to public participation.

4           The regional approach is a different concept in  
5 that we want to consolidate our public outreach  
6 approach -- our public outreach as much as possible.  
7 There are communities throughout California that have a  
8 number of overlapping jurisdictions. Even where Cal EPA  
9 is concerned, there may be air issues that the ARB's  
10 involved with; there may be clean-ups where the Water  
11 Board or DTSC is involved with; there may be pesticide  
12 issues in that community. What we would like to do is to  
13 identify where and how we can consolidate those efforts as  
14 much as possible to ensure that the public gets its  
15 information holistically and can make its decisions and  
16 raises its concerns in a holistic manner.

17           There is also going to involve reaching out to  
18 local entities, local governments, county governments, and  
19 trying to bring them into the process as well. I  
20 understand there are planning issues and land-use issues  
21 that fold into many of our decisions.

22                               --o0o--

23           DTSC PUBLIC PARTICIPATION CHIEF MARXEN:

24           Recommendation No. 4 Is training and evaluation.

25           What will happen after we create the guidance and



1 policies from the first three items will be a training  
2 effort whereby we train our staff how to do this work.  
3 There is ongoing training, by the way. I don't want to  
4 say we're going to wait to train people how to do public  
5 outreach. The Water Board is currently training its staff  
6 on public participation. Certainly ARB, DTSC and other  
7 BDOs do ongoing training and public partition,  
8 facilitation, working with the public.

9 But we will have to develop specific training and  
10 make it available to enhance the public participation  
11 efforts across the agency.

12 We also will have to evaluate our public outreach  
13 process. And we do need your help in developing a matrix  
14 so that we can look back at what we've done and determine  
15 how well we did our job and make appropriate corrections.

16 --o0o--

17 DTSC PUBLIC PARTICIPATION CHIEF MARXEN:

18 Recommendation No. 5 is an ongoing process that  
19 we need to conduct so that we enhance our public outreach  
20 to communities.

21 We're in an age where electronic tools are  
22 becoming increasingly used by stakeholders throughout the  
23 state. It does enhance access to the process and can help  
24 people understand what's going on in a very short manner.  
25 They no longer have to necessarily go down to a library to

1 access information about health, risk, clean-up levels,  
2 air quality. They can -- many people can get it on their  
3 computers fairly quickly.

4           We do understand that there are communities who  
5 do not have access to these tools. I would like to have  
6 ideas how we enhance their -- well, how we can help them  
7 get access to those tools. And, again, I want to  
8 emphasize that this does not replace the tools that we  
9 currently use, like repositories, like public notices,  
10 publishing papers, like face-to-face meetings. It's only  
11 meant to enhance the public outreach efforts.

12           We need to continually evaluate what tools are  
13 out there, how the communities can use them, and use those  
14 tools to the best of our ability to bring people into the  
15 public participation process.

16           I think that that covers the five items that I  
17 wanted to talk about.

18           So back to you, Diane.

19           CO-CHAIRPERSON TAKVORIAN: Okay. Thank you, Jim.  
20 So a really comprehensive report. And we appreciate your  
21 patience --

22           DTSC PUBLIC PARTICIPATION CHIEF MARXEN: No  
23 problem.

24           CO-CHAIRPERSON TAKVORIAN: -- and all your hard  
25 work.

1           So it seems like if we -- if we could take each  
2 of the recommendations, that might help us in terms of  
3 focusing our discussion. So that if we discuss  
4 recommendation No. 1 and so forth, then we can all stay on  
5 the same page.

6           Before we do that though, I have one request for  
7 a public comment from Marilyn Ababio.

8           MS. ABABIO: I'm here.

9           CO-CHAIRPERSON TAKVORIAN: Okay.

10          MS. ABABIO: Where should I go?

11          CO-CHAIRPERSON TAKVORIAN: Generally we have a  
12 place for you. Right there would be great.

13          And if you would not mind introducing yourself  
14 and who you represent. And we're asking that folks limit  
15 their comments to three minutes.

16          Thank you.

17          MS. ABABIO: Okay. I'll try to be brief.

18          My name is Marilyn Ababio and I'm a contractor.  
19 I've worked for more than ten years as an environmental  
20 justice practitioner both at the federal and the local  
21 level and for private companies. I'm a member of the  
22 Environmental Justice Task Force for the National  
23 Academies of Science, the TRB.

24          And I just wanted to make some general comments  
25 about participation and to offer some resources.

1           With respect to comment number 1 and the  
2 complaint resolution system that you're envisioning. In  
3 the -- I work primarily in the area of transportation.  
4 And there the environmental groups need to make an  
5 administrative complaint before there's any interface by  
6 the administration. And I think that that is something  
7 that the public participation avenue needs to express to  
8 local groups.

9           With respect to regional collaboration. Part of  
10 the work that I've done with the TRB is to develop some  
11 guidance for collaboration. And I'd like to share that  
12 document and make it available for anyone who's interested  
13 in it. What it did, it looked at collaboration and asked:  
14 When do agencies collaborate? And it's when they need to  
15 get something done across jurisdictional or agency mission  
16 lines. And so this work we contracted a contractor who  
17 did a lot of research and then did some follow-on,  
18 providing some funding for some guidance, which is  
19 available on a CD. And I'd just like to show you the  
20 publication.

21           This is a handbook on collaboration. And there's  
22 a CD in the back. And it will give you some insight in  
23 terms of how to go ahead and bring some of the community  
24 groups together on a regional basis.

25           With respect to training for public

1 participation. One of the foundations of environmental  
2 justice has to do with community empowerment. And that  
3 concept seems to get lost in the interests of bureaucracy.  
4 And I think in terms of participation, if we think in  
5 terms of empowerment, we take a slightly different  
6 approach in terms of putting tools and resources in the  
7 communities so that the communities' response is something  
8 that can be implemented by virtue of the planning process.

9           And I'm doing some training right now in Atlanta  
10 on elevating environmental justice into the planning  
11 process. So I think that every board or agency that is  
12 part of EPA, if they look at their process and the point  
13 at which the public participation input can be most  
14 effective, then I think we can have a good marriage of  
15 process and input. Other than that, you have friction  
16 where a water project, for example, the development of  
17 that project, the engineers, they want to see it built,  
18 they want to see it built. And the community may have  
19 some issues. But I think if the community interfaces at  
20 the appropriate places during the process, you'll see more  
21 cooperation and collaboration.

22           CO-CHAIRPERSON TAKVORIAN: Marilyn, I'm going to  
23 ask you to wrap up. We're over three minutes now.

24           MS. ABABIO: Okay. And the last thing is with --  
25 in terms of demographics, I did some work in Kentucky.

1 And at the census tract level we could not see blocks.  
2 There were some blocks that were a United States National  
3 Refugee Center. And at that center they had 35 different  
4 ethnic groups and 15 different languages. And so when we  
5 found that group, we were able to provide services to that  
6 group in terms of their ability to participate in a rail  
7 project. My point is, that even though demographically  
8 and electronically you can look at a lot of data, there is  
9 no replacement for that site visit.

10 CO-CHAIRPERSON TAKVORIAN: Okay. Thank you very  
11 much.

12 And those resources will be available and we can  
13 get the references for those and include them in our  
14 minutes?

15 MS. ABABIO: Yes. I could leave it here for you.

16 CO-CHAIRPERSON TAKVORIAN: Thank you very much.  
17 Appreciate it.

18 Fraser Shilling, if you would like to come  
19 forward.

20 And I just wanted to remind the public who's  
21 speaking, to speak into the microphone, and then also for  
22 the Committee members, because apparently it's difficult  
23 for the -- we're being broadcast over the Internet. So we  
24 need to be speaking into the microphone.

25 So welcome.

1 MR. SHILLING: Thank you.

2 Fraser Shilling, UC Davis, Department of  
3 Environmental Science and Policy. And I work primarily  
4 with getting scientific and technical information into  
5 environmental decision making. And I work with state,  
6 federal agencies, local agencies, et cetera.

7 And the first thing that struck me -- two things  
8 that struck me about the recommendations:

9 One is that training -- and I'm echoing one of  
10 the earlier comments -- training will be available to  
11 Agency staff. But, again, one of the principles of EJ is  
12 that you have a community participation that's meaningful  
13 in environmental decision making, which requires both the  
14 translation of that technical information for the decision  
15 making and also understanding of the information by the  
16 communities. And the lack of understanding of the  
17 information by the communities does not mean that you just  
18 go ahead and make the decisions anyway. But rather you  
19 enhance the understanding and capacity of the communities  
20 to participate.

21 And I've been involved in a lot of participation  
22 as a member of the public, which usually involves talking  
23 at. And that's another EJ principle, is that it's  
24 involvement of an informed and impacted community. And a  
25 decision-making process is what we're headed towards if

1 this is -- if it's going to be environmental justice.

2           So I think that you need to have this at the  
3 recommendation level and not as a subpart of one of the  
4 recommendations. That one of the recommendations should  
5 be that you will act on increasing the capacity of  
6 communities to be involved. Not recommend an evaluation  
7 of whether or not communities are involved or could be  
8 involved, but actually have it as an action item.

9           And the second thing is that it's appropriate to  
10 evaluate the tools. It's also appropriate to evaluate  
11 periodically whether or not participation is occurring and  
12 is meaningful. So that it's often assumed that if -- that  
13 seeking input and seeking participation is effective  
14 because the parties are trying to get the input, which is  
15 different from measuring that you have meaningful  
16 participation and a process and showing that as part of  
17 success. And success is evaluated by getting that  
18 meaningful input. So without the meaningful  
19 participation, you're, therefore, not successful.

20           So that should also be, in my opinion, a  
21 recommended action that performance is measured by  
22 substantive participation in environmental decision  
23 making.

24           Thank you.

25           CO-CHAIRPERSON TAKVORIAN: Thank you very much.



1           Okay.  So Committee discussion.

2           Mike.

3           ADVISORY COMMITTEE MEMBER DORSEY:  Could we get  
4 the -- as we go through each of the recommendations, could  
5 we have them put up on the screens again?

6           Thanks.

7           Under the first one, is it possible the Committee  
8 could get a copy of the Air Resources Board complaint  
9 resolution process?  Is that a document that we could  
10 review?  I mean it might be helpful for us.

11          CO-CHAIRPERSON TAKVORIAN:  Jose.

12          ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:  In  
13 light of Dr. Lyou's absence, he was able to provide a  
14 matrix, a spreadsheet of some of the Committee's former  
15 proposed recommendations pertaining to public  
16 participation.  And in light of that, he's provided a  
17 revision and updated, especially with respect to exactly  
18 how the Committee and Cal EPA have responded to those.  
19 And I wanted to pass those out for people review.  And  
20 perhaps that also can facilitate discussion with respect  
21 to this continuing process as well.

22          CO-CHAIRPERSON TAKVORIAN:  Thank you.

23          Mike, are you -- do you have another comment?

24          ADVISORY COMMITTEE MEMBER DORSEY:  No.  I'm  
25 sorry.

1 CO-CHAIRPERSON TAKVORIAN: Okay. Are there  
2 comments on Recommendation No. 1?

3 Okay. Recommendation No. 2?  
4 Cindy.

5 ADVISORY COMMITTEE MEMBER TUCK: Jim, first just  
6 a general comment, that I thought the document was very  
7 well written and it's come a long way from when the group  
8 started on this.

9 DTSC PUBLIC PARTICIPATION CHIEF MARXEN:  
10 Thank you.

11 ADVISORY COMMITTEE MEMBER TUCK: I would just  
12 suggest refining this paragraph a little bit relative to  
13 the process. In one point it refers to adoption by Cal  
14 EPA. Another place it refers to approval by IWG. And  
15 maybe the right words are "approval by IWG," but it seems  
16 to have a couple different --

17 DTSC PUBLIC PARTICIPATION CHIEF MARXEN:  
18 Which one are you looking at? Which paragraph?

19 ADVISORY COMMITTEE MEMBER TUCK: On number 2.  
20 Actually back on the -- on this part, on the first page,  
21 the second paragraph.

22 DTSC PUBLIC PARTICIPATION CHIEF MARXEN:  
23 Number 2, public participation work group?

24 ADVISORY COMMITTEE MEMBER TUCK: Right. Just if  
25 that text could be clarified as to the process. Maybe

1 including that the IWG has a 30-day public process and  
2 that kind of thing as well. Add some of those steps in.

3 CO-CHAIRPERSON TAKVORIAN: Okay. Any other  
4 comments on Recommendation No. 2?

5 Okay. Recommendation No. 3?

6 Cindy.

7 ADVISORY COMMITTEE MEMBER TUCK: On  
8 Recommendation No. 3, the first sentence talks about the  
9 guidelines for public participation establishing a  
10 comprehensive and consistent public participation process.  
11 That's great.

12 Then the second sentence talks about the work  
13 group shall establish a minimum level of public  
14 participation. I would suggest changing "work group" to  
15 either "the guidelines shall establish" or "Cal EPA shall  
16 establish". I don't think the work group would actually  
17 establish them.

18 CO-CHAIRPERSON TAKVORIAN: Other comments on  
19 Recommendation No. 2 -- I'm sorry -- No. 3?

20 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA: I  
21 have a question.

22 CO-CHAIRPERSON TAKVORIAN: Yeah.

23 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:  
24 Jim, on that second sentence as well, where it goes into,  
25 after the semicolon, "develop assessment tools to

1 determine the level of community interest," can you just  
2 speak a little bit about what type of assessment tools  
3 those are?

4 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: I will  
5 tell you what DTSC uses, because I can't speak for the  
6 Agency as a whole because we don't have that yet. And  
7 that's the goal of this process, is to develop a tool.

8 DTSC's tools include what's called a community  
9 profile.

10 Tell me how deep you want me to go into that,  
11 because I can discuss those for an hour if you'd like.

12 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

13 I want general terms now.

14 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: It's a  
15 fairly quick overview of the public -- or the community  
16 that surrounds the project. It does include demographic  
17 data. It does include past activities, interest levels,  
18 media interest, languages that are spoken in the  
19 community, potential impacts that may result from a  
20 particular decision; if there's anything unusual about the  
21 contamination or project that would cause concern, like  
22 it's dioxin, maybe something like that that could cause a  
23 high level of concern.

24 We take -- DTSC takes the community profile and  
25 then does what's called a community survey, which is

1 actually a document that is mailed out -- that is mailed  
2 out to the affected community, typically at a quarter mile  
3 range. And ask community members specifically what their  
4 concerns are, what languages are spoken, what times -- if  
5 they would like to meet with the agency in a formal public  
6 meeting, or would they rather receive information via fax  
7 sheet.

8 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

9 Bilingual?

10 DTSC PUBLIC PARTICIPATION CHIEF MARXEN:

11 Yeah. We ask for all languages spoken.

12 Sometimes we'll get three or four actually within a  
13 community.

14 And at that point we could do what's called a  
15 public participation plan, which is a fairly formal  
16 involved process where we do go out and then contact  
17 people individually, sit down with them and conduct  
18 interviews and ask them very specific questions about  
19 what's happening in the community.

20 But your goal is to determine what the  
21 potentially interest in the project is. You want to make  
22 a fairly accurate prediction, so you can develop  
23 communication tools that meet the needs.

24 Some communities, like you say, may have  
25 bilingual households. You want to go out -- and your

1 first contacts with people who can speak those languages,  
2 you want to have fax sheets that are written in the  
3 appropriate language. If people don't want to come to  
4 community meetings, they feel they're a waste of time or  
5 maybe everyone has other things they want to do, they  
6 don't want to attend community meetings, you don't want to  
7 waste your time on outreach efforts that focus on large  
8 scale community meetings.

9           So we want to know that up front. And I'm a  
10 fairly strong believer in that you put your efforts in at  
11 that phase and determine what the community interest is  
12 early on, then you're going to be better off later on.  
13 You do have to reevaluate community interests as you go  
14 through the project. You can't just do it once. You have  
15 to do it several times throughout the process.

16           But I do think if you do a good assessment job up  
17 front, that your chances of reaching the community and  
18 involving them successfully are better.

19           ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

20           What's been your experience with that model at  
21 DTSC now?

22           DTSC PUBLIC PARTICIPATION CHIEF MARXEN:

23           Mixed. We're not perfect in this. We're still  
24 not -- we can't -- we don't predict. If I broke it down  
25 into percentages, I guess we're not a hundred percent

1 accurate on those predictions. And I think a large part  
2 of that is due to the fact, in the assessment tools, often  
3 when people get information at home or a request, they  
4 say, "Sure, I'm interested." But we need to go further  
5 and find out, "How interested are you?" You know, "How  
6 would you like to be communicated with." Interest doesn't  
7 necessarily denote that I'm going to participate in a  
8 community meeting or that I'm going to call you up all the  
9 time. Interested may mean that "keep me informed."

10           So it needs a lot of perfection. And that's why I  
11 think that opening this up to more involvement from those  
12 of you who have been in the communities can help us  
13 develop tools which more accurately predict the level of  
14 community interest.

15           ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA: Is  
16 staff who's in the process of developing these assessment  
17 tools culturally -- with respect to the community you're  
18 trying to outreach to, in terms of staff development, are  
19 they culturally and linguistically competent to make these  
20 assessments?

21           DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Yes. I  
22 mean overall, yes. We have a variety of cultures, of  
23 backgrounds in DTSC, particularly when it comes to the  
24 looking at communities where there may be an environmental  
25 justice -- we know going in generally we're dealing with a

1 community where environmental justice or cultural issues  
2 may be a major factor. And we try to assign people that  
3 have had a lot of experience in those communities to those  
4 projects.

5 Now, again, that's not a hundred percent of the  
6 time, because, like everybody else, we have to use the  
7 resources that are available to us and we have to train  
8 people to become sensitive to those markers that are out  
9 there. And, frankly, the training -- going up to the  
10 training issue, when somebody was -- in the audience -- we  
11 do need training from external folks to tell us the same  
12 issues that you're raising here, how to be more sensitive,  
13 what markers should we be looking for in that assessment  
14 process?

15 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

16 Thanks.

17 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Because  
18 we may not know. We not pick up on it.

19 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

20 Thank you.

21 CO-CHAIRPERSON TAKVORIAN: Okay. Antonio.

22 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ:

23 Related to that just in terms of a question  
24 around this process, scoping process, if you will. To  
25 assess community interest, besides the specific cultural



1 and language issues of a specific community, to what  
2 extent does this process are community based  
3 organizations, advocacy groups, you know, sort of  
4 community institutions that can also represent community  
5 interests part of that assessment that they're notified  
6 and information is sent to them and they're engaged with?

7 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: You're  
8 asking are they included in that assessment?

9 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Yes.

10 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Yeah.  
11 The first document, which is that community profile,  
12 there's a question on there: Are there community groups  
13 out there that do represent large sectors of the  
14 population? We would look for some times homeowners'  
15 association, business associations, environmental groups,  
16 community groups. League of Women Voters may be very  
17 active, you know, out there as well. We're trying to  
18 identify all the groups that may be a player.

19 In fact, DTSC has a mandatory mailing list, which  
20 you may have -- you may be on it, I would suspect that you  
21 probably are, or someone in your organization is. And  
22 they are notified automatically that we're seeking input  
23 on something. So we know some large statewide groups, and  
24 even on a regional basis some groups who always want to  
25 know what's going on in the community. So they get

1 everything. But some communities have smaller groups that  
2 maybe don't show up on a mailing list somewhere. And we  
3 need to find out.

4           So the first tool that we have is that profile.  
5 That's one of the questions that's asked. When we send  
6 out a survey, we ask people, "Are you a member of an  
7 organization or are you aware of an organization that  
8 represents a large group of people?" And that's really  
9 important to get them on the mailing list. They help us  
10 get out the larger segments of the population.

11           CO-CHAIRPERSON TAKVORIAN: Mily and then LaDonna  
12 and then Bruce.

13           ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: I  
14 have learned through experience that a lot of times people  
15 will not come and -- come and do complaints even though --  
16 and even though they might have had an accident or -- and  
17 I'm just going to give this example. In terms of the  
18 plain language or the including translation or the  
19 information the way you're -- and I can -- I'm trying to  
20 understand that you're trying to make sure that you're  
21 covering everything in terms of making sure that the  
22 community -- you're building interest within the  
23 community.

24           I have learned through experience that, for  
25 example, last year there was -- there was a group that was

1 working in the Kern County and was poisoned. And then  
2 this year the same thing in another -- in another block,  
3 in another grove. Even though the workers were  
4 hospitalized and -- you know, they were hospitalized. It  
5 was very clear. It was -- they were injured because they  
6 were sprayed. Workers did not -- were not able or did not  
7 follow up with filing a complaint.

8           And it had to do with the trust that people have  
9 in the system or the trust that people have in agencies or  
10 the processes that are taken. And where I'm getting at  
11 here is that at times we keep thinking that, you know,  
12 there's so many of us that are involved in the community  
13 as community-based organizations or agencies or the  
14 government representing the interests of the -- we've gone  
15 as far as calling underserved, under-represented.

16           The reality is that you cannot build that trust  
17 unless you really go into the community and -- I mean it's  
18 more than just depending on certain groups or depending on  
19 certain agencies. And I will tell you that our -- the  
20 people -- our constituents will the majority of the time  
21 not go to do a report or not even call to complain because  
22 the process is either too long, the process is foreign  
23 completely, the translation is -- the terms that are used  
24 are too technical or just too formal of -- if we're going  
25 to talk about just translating into -- or interpreting --

1 translating it into the language without even  
2 understanding if the terms that is used in those  
3 communities is -- are the right terms.

4           So I would just -- I would just want to add that  
5 it's more than just thinking that by contacting groups  
6 that that's -- that you're doing the service to the  
7 community, because it goes way beyond. As a  
8 community-based organization that does grass-roots work,  
9 we have invested a lot of time in terms of being there,  
10 living with a community. And we know that -- we have our  
11 own networks. And there might be community-based  
12 organizations, there might be agencies that are  
13 representing the community, which they're doing good work  
14 as long as they're really connecting with the groups that  
15 are the real people in the community, that don't  
16 necessarily belong to any groups that are -- that belong  
17 to institutions or anything like that. I just wanted to  
18 phrase that part.

19           CO-CHAIRPERSON TAKVORIAN: That you Mily. And  
20 LaDonna.

21           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: My  
22 comment goes along with her Hermila's. And that what I've  
23 read so far on the net and the documents that have been  
24 released sounds good, but you know our experience with  
25 DTSC. And I want to give kind of an example for those

1 that aren't familiar with the relationship of Midway  
2 Village and DTSC.

3           When he mentioned the community profile, what the  
4 experience at Midway has been, is: There's a community,  
5 Brisbane, that's located about two and a half miles from  
6 Midway Village, Midway Village being the low income  
7 community of color, headed majority by women of color,  
8 single women of color with children. And you have  
9 Brisbane, which is a white community, basically -- about  
10 90 percent white, is my understanding, maybe a little bit  
11 more than 90 percent. And the profile of that community  
12 was listed -- and we're talking like in the eighties when  
13 they did the profiling of the two communities. At that  
14 time Midway Village, not knowing that they were sitting  
15 directly on a contaminated Superfund site.

16           DTSC came in, they did community profile, and  
17 they listed Brisbane as a knowledgeable community of the  
18 environmental issues in the community in relations to the  
19 toxins in the area. And they listed Midway as -- let me  
20 get this right. It's been a while since I've seen the  
21 document. But they listed it as a community that is not  
22 really involved in the process.

23           They weren't interested in the contaminated  
24 issues, the environmental issues in the community. And  
25 they did list though one sentence that said, "However, if

1 presented" -- and they meant the contamination issues --  
2 "if presented in an understandable way, then the community  
3 would then be concerned about the children."

4           Well, my concern is is that DTSC did not do a  
5 very good job at all in profiling and labeling Midway  
6 Village. They went far and beyond to communicate with and  
7 understand this white community. However, when it came to  
8 Midway, not only did they not communicate what was out  
9 there, and they profiled this community of color as  
10 basically an ignorant community that wasn't involved in  
11 these issues; but then when it went to the actual mail out  
12 this mandatory list that talked about inclusion of the  
13 community people and the residents, it then listed that  
14 they were involved in the process.

15           So we did a little bit more digging, only to find  
16 this mandatory list that you all sent out. And that list  
17 was all agency and EJ orgs that were like fifty to a  
18 hundred miles away from Midway.

19           My concern is that DTSC will do business as  
20 usual. Now, I see the documents that say you want this  
21 inclusion, you want meaningful participation. And my  
22 recommendations has been we need to change that word  
23 "meaningful" within DTSC to "actual inclusion in  
24 participation," so that we don't have as -- I think it was  
25 Fraser from UC Davis had mentioned that the process has

1 been that Agency talks at the community and the residents,  
2 as opposed to talking with them and actually listening to  
3 them and actually including their recommendations, their  
4 concerns, their issues at the very beginning of any and  
5 all decisions that DTSC takes.

6           The other thing I'm afraid of is that with all  
7 this training that's going on within the Agency -- and I  
8 know you said that they go -- well, I don't think you said  
9 they go out of their way. But you have within the Agency  
10 people that can communicate with the community. But if  
11 that is the case, then we wouldn't have numerous  
12 complaints about DTSC throughout California.

13           So I think what really needs to be taking place  
14 also is that you -- and I see the CAG, the community  
15 advisory groups that you are attempting to form. But my  
16 concern is that if DTSC doesn't change it's current policy  
17 and habits in that you lead the way -- and I know even  
18 within this current CAG group there's an attorney, if I'm  
19 not mistaken, that is advising sort of the group in the  
20 end, right?

21           DTSC PUBLIC PARTICIPATION CHIEF MARXEN: I don't  
22 know CAG you're -- which CAG are you talking about?

23           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

24           Well, my understanding is that DTSC is forming --  
25 in each community they have a -- CAG stands for community

1 advisory group?

2 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Right.

3 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

4 Right. And I -- maybe I might be wrong, but I  
5 thought also there is an attorney that is giving  
6 recommendations for that, so basically kind of leading  
7 that group in its discussions and --

8 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: I'm not  
9 aware of that. If it's a specific CAG I could look into  
10 it for you.

11 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I  
12 thought it was -- that was sort of like the guideline they  
13 were going to be following.

14 CO-CHAIRPERSON TAKVORIAN: So can you just look  
15 into that, Jim, and see whether that is in fact part of  
16 the template?

17 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Maybe we  
18 can talk at the break or something.

19 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

20 Okay.

21 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Okay.

22 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

23 Well, the other thing is I wanted to recommend  
24 though that DTSC goes out of its way to include actual  
25 CBOs or residents in each affected community that are



1 working on those issues to help lead you into how to  
2 communicate with those specific impacted communities.

3 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: If I  
4 could just add a point here. I hear you, LaDonna. I  
5 appreciate your comments.

6 What I would like to do for the training aspect  
7 of what you mentioned was to have -- is to have -- this is  
8 my personal identities. Recommendations haven't been  
9 adopted yet or accepted even internally. We're working  
10 through the actual implementation. I think it's a good  
11 idea to bring community members and activists and  
12 community leaders into the training process to train  
13 Agency staff as to what's out there, what to expect and  
14 how to work with that.

15 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: In  
16 addition to that, also provide funding.

17 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Did you  
18 want --

19 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:  
20 Always get stuck on that part, huh?

21 DTSC PUBLIC PARTICIPATION CHIEF MARXEN:  
22 -- to jump in there Shankar?

23 CO-CHAIRPERSON TAKVORIAN: That's why we added  
24 that last one to our role. We're going to help.

25 Okay. So Bruce, are you up -- Okay. So Bruce

1 and then Jose and then Mily.

2           ADVISORY COMMITTEE MEMBER MAGNANI: And I would  
3 also like to thank Jim for his patience in waiting for his  
4 opportunity to present to the Committee and for preparing  
5 this document for us.

6           My comment I think is consistent in some aspects  
7 with what LaDonna was talking about and what one of our  
8 public commenters spoke to. And, that is, I feel fairly  
9 confident that the public participation process as far as  
10 meeting minimum requirements will be not a problem for any  
11 of the BDOs. But I think there would be some benefit to  
12 doing some type of exit interviews, actually visiting the  
13 community and talking, whether it not be to the organized  
14 groups, whether it be individuals, to do more  
15 comprehensive interviews with people as you complete a  
16 project and you exit the community to actually determine  
17 the level of participation and the level of community  
18 involvement in your public outreach, to see how deep --  
19 you know, what kind of penetration you got into the  
20 community and whether or not there was some satisfaction  
21 or what levels of satisfaction with the project and with  
22 the interaction with the BDOs.

23           Thank you.

24           DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Thanks.

25           ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

1           Following up on LaDonna's comments with respect  
2 to the ability of DTSC staff to community properly with  
3 communities. Just a question:

4           How diverse is this staff that does the profile  
5 and the survey now within the Agency in terms of people of  
6 color, in terms of women and gender and so forth?

7           DTSC PUBLIC PARTICIPATION CHIEF MARXEN: I  
8 would -- I don't have exact figures on the tips of my  
9 fingers.

10          I will talk about the DTSC's public participation  
11 staff, which is about 30 staff members. It is  
12 approximately 75 percent female; of color, approaching 50  
13 percent, Latino, African American, Asian.

14          You want any more specifically than that, I'd  
15 have to --

16          ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:  
17 That's fine.

18          DTSC PUBLIC PARTICIPATION CHIEF MARXEN: But I  
19 want to add a caveat that not all the profiles are  
20 reviewed by us necessarily. There are some times  
21 extremely low interest projects that are reviewed by the  
22 technical staff. You know, the middle and the high  
23 interest projects -- we deal with, you know, a thousand  
24 projects at any given time. And so I can't say that every  
25 community profile is reviewed by those 30 people. But the

1 ones that are important are.

2 CALEPA DEPUTY SECRETARY PRASAD: Mily.

3 ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: Just  
4 one very quick point.

5 We have learned that -- because your points of  
6 making sure that there will be working in terms of  
7 developing relationships with and a presence in the rural  
8 communities, and you're talking about training for public  
9 participation and principles and training staff for that,  
10 we have learned that training staff -- we need to  
11 understand that when you're training staff in terms of  
12 doing -- working with the public, and especially the rural  
13 communities, we actually have learned through our own  
14 trainings with agencies while working with the various  
15 issues -- and I'm talking about the Department of Labor,  
16 the Equal Employment Opportunity Commission, all those  
17 groups. We have provided trainings that deal with -- not  
18 cultural competency. It's called working within the  
19 cultural context of the community.

20 This means that the training is geared to how  
21 people live, not just in general. What food people eat  
22 and what music they like. It's more of that. It's what  
23 are the terms that are used, how -- you know, what goes on  
24 in the community, who is the connector from one to  
25 another? As we all know, in our communities, it's by word

1 of mouth that people network.

2 In terms of joining groups, not many like that,  
3 for many different reasons. But working within the  
4 cultural context of the community is one of the best ways  
5 that we have encountered, especially in the farm worker  
6 community.

7 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: I just  
8 have to say that's the exact kind of thing that I would  
9 like to have my staff exposed to. I can speak for those  
10 people. And if you can give me your e-mail address, maybe  
11 I can contact you and you can help us out. Some of our  
12 staff do need to have some of that training. It would be  
13 excellent.

14 ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: Is  
15 there funding?

16 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Oh, we  
17 can work that out.

18 CO-CHAIRPERSON TAKVORIAN: Okay. Barbara.

19 ADVISORY COMMITTEE MEMBER LEE: I have a couple  
20 of questions, first for you, Diane, and then for Mr.  
21 Marxen.

22 I had expected, and I think when we talked --  
23 when we were setting up the agenda, that Joe was going to  
24 be here and we were going to probably spend some time  
25 talking about the table that he put together. And it

1 looks like that isn't going to happen? Were we going to  
2 go through it any way or was there any --

3 CO-CHAIRPERSON TAKVORIAN: We hadn't set that up.  
4 And I think that's why he updated it and we've distributed  
5 it. So we are hoping that people have had an opportunity  
6 to look at it. I had a couple comments, some of which  
7 were based on this. But I know that Jim has a copy of it.  
8 But if you have comments --

9 ADVISORY COMMITTEE MEMBER LEE: Okay. I presume  
10 that the table that Joe Lyou put together is something  
11 you've seen, because I know he's participated in your  
12 process.

13 My first question for you was: Did you -- when  
14 you were setting out to put together your own public  
15 participation guidance, did you consult the  
16 recommendations that the Committee previously put  
17 together?

18 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: The ones  
19 that you're seeing now in front of you?

20 ADVISORY COMMITTEE MEMBER LEE: Well, the ones  
21 that were in the report that this Committee generated.

22 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Yeah,  
23 the recommendations that were developed here were in  
24 consideration of those recommendations that were in the  
25 CEJAC report of 2002.

1           ADVISORY COMMITTEE MEMBER LEE: Okay. I'm asking  
2 for a couple of reasons. First of all, in listening to  
3 the comments of Committee members, especially those who  
4 weren't on the Committee when we drafted those  
5 recommendations, and also the members of the public who  
6 have commented, I would say we're hearing -- probably 99  
7 percent of those comments are comments that were made  
8 during the development of the recommendations and were  
9 embodied actually in the recommendations.

10           And I'm struggling with how to interact with you  
11 over your document, mostly because in generating the  
12 recommendations that the Committee put forward on  
13 enhancing public participation on guidelines and training,  
14 on availability of information, on capacity building and  
15 relationship building, we had a very thorough discussion,  
16 we took a lot of public comment, we distilled it down into  
17 the things that seemed to be common themes and the most  
18 meaningful comments that we heard. And we had complete  
19 consensus on that part of the document that we put  
20 together.

21           So other than there are fresh perspectives on the  
22 Committee now because we have some voices on the Committee  
23 who weren't here then, I'm not -- I'm struggling to figure  
24 out how the Committee has other feedback for you besides  
25 the fact that we went through an extensive process, we

1 distilled it down, and these are the elements that really  
2 stood out as being necessary for meaningful public  
3 participation.

4           And when I looked through, you know, Joe's  
5 table -- and he put a tremendous amount of work into  
6 this -- I'm an engineer and so numbers are meaningful to  
7 me. And so I just kind of did a quick mental score card.  
8 And it was not surprising to me that starting in areas  
9 that agencies and bureaucracies tend to excel, like  
10 guidelines and training, the score was really good. And  
11 the first further away we get from the stuff that we do  
12 normally and tend to do well, the more the score slipped.

13           So, you know, there was pretty good  
14 correspondence between what you were saying you were going  
15 to do and what the Committee said you ought to be doing on  
16 guidelines and training. There was okay matching up on  
17 availability of information. And capacity building was  
18 poor and relationship building poorer still. Which is  
19 not -- I don't mean it as an indictment. More that these  
20 are the areas that, being bureaucrats -- and I can -- I'm  
21 one of them -- these are the areas that we tend not to do  
22 as well in, and that's why we have problems with public  
23 participation.

24           And so I'm troubled that Cal EPA in putting  
25 together guidelines to enhance public participation chose



1 to disregard the large number of recommendations that this  
2 Committee made that would have enhanced its public  
3 participation.

4 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Well,  
5 these aren't the guidelines, I want to emphasize. These  
6 are only -- this is the starting point. Looking at some  
7 of Joe's points, those points will be addressed through  
8 this exercise in developing the specific guidelines.  
9 There are other ones, capacity building, that Shankar may  
10 wish to talk about, and others that are being built in  
11 other venues.

12 Did you want to address those, Shankar?

13 CALEPA DEPUTY SECRETARY PRASAD: Yeah, I just  
14 want to go to Jim's comment. I think one distinction that  
15 needs to be made here between what Jim has put together  
16 and what was the set of recommendations, I think the  
17 recommendations that were put together recommended by this  
18 Committee, almost all of them that Joe points out may end  
19 up as being the directive and a part of the guideline that  
20 each agency must follow.

21 And that happens to come probably through that  
22 process that he's putting together as the work group, as  
23 opposed to saying that we already take into consideration  
24 and we'll issue this as a guideline. That seems to be a  
25 fundamental difference in the approach that you are seeing

1 and I think that's the difference between where we are  
2 versus what the Committee was expecting.

3 ADVISORY COMMITTEE MEMBER LEE: Madam Chair, can  
4 I respond --

5 CO-CHAIRPERSON TAKVORIAN: Please.

6 ADVISORY COMMITTEE MEMBER LEE: -- a little on  
7 this?

8 I know -- you know, when I think back to the two  
9 years we spent struggling with the recommendations, there  
10 was an important chapter to the recommendations document  
11 that we never got to. And that was going to be the  
12 timelines and the -- the part of the document where we  
13 sort of lined out what we thought was easy to do now and  
14 was going to take, you know, more time and then what was  
15 going to need perhaps more legislative authority or there  
16 was a big funding consideration, that sort of thing.

17 We didn't actually get to that exercise in any  
18 depth. Although we did try to put together a sort of  
19 hurry-up table look at it at the very last -- for our very  
20 last meeting and we didn't ultimately -- you know, the  
21 drafting group put the table together, and we didn't  
22 ultimately get to do much with it.

23 But my recollection was that there were a large  
24 number of recommendations in the public participation part  
25 of the document that the Committee had a gut feeling would

1 just kind of start implementing it or come back within a  
2 short period of time and say, you know, "This is how we're  
3 going to start using" -- you know -- "distributing our  
4 material, in multiple languages in communities. From now  
5 on this is what we're doing."

6           And since we're now a couple years down the road,  
7 I am troubled that some of the simpler things that could  
8 be done are still in the stage of trying to figure out how  
9 to take it through a process to put it in a document to  
10 explain how we'll approach doing it, after it had already  
11 been through a two-year process that had complete  
12 consensus.

13           And I think that if you get to the end of 2005  
14 and then you're ready to begin drafting your guidelines,  
15 and that takes another year or two, and then you're at  
16 2007 and you're finally ready to start translating  
17 documents, I would consider that in my agency a failure of  
18 public participation process.

19           And so I would have expected -- I did expect from  
20 the exercise Cal EPA was going to do on public  
21 participation that Cal EPA would come back and say, "Okay,  
22 there were 30 recommendations. And these 15 we can get  
23 started on right away. And these other ones are going to  
24 take resources we don't have or need a process to flesh  
25 out or" -- you know, whatever the response is -- "and this

1 is how we're going to approach it." Maybe there would be  
2 a few that, for whatever reason, the Agency would say, "We  
3 just don't feel that's within our scope right now, but we  
4 understand it's your recommendation.

5 I appreciate that a lot of work that you've  
6 done -- you and your staff have done a lot of work on  
7 this. And I know it's very hard, when you've worked on  
8 something, to bring it before a group and get the kind of  
9 feedback that I'm giving you right now.

10 But I think that there is more that the Agency  
11 could do sooner. And I would like to see the Agency try  
12 because, if you can't move public participation forward  
13 more quickly, your environmental justice program is not  
14 going to go anywhere.

15 CALEPA DEPUTY SECRETARY PRASAD: Thanks for those  
16 insight comments.

17 I do agree with you. But that does not mean that  
18 there are not other activities being pursued in that  
19 context. As you know, as far as the pilot projects are  
20 concerned and so on, we are making an effort to engage the  
21 local groups and the community participation as  
22 extensively as feasible, and very special efforts are  
23 being made to bring and share the information with them  
24 and to listen to them and in modifying those projects and  
25 so on.

1           But this exercise is meant more to bring out some  
2 kind of a uniformity across all the BDOs in terms of, as  
3 the future comes along, in how we do it and what's the  
4 minimum level of expectation in terms of public  
5 participation should one pursue. That does not mean that  
6 we are not going to pursue other efforts till this final  
7 document comes into place or gets blessed by the IWG and  
8 this Committee and so on.

9           I just want to clarify that aspect of it.

10          CO-CHAIRPERSON TAKVORIAN: Jim, do you want to --

11          DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Well,  
12 the only thing that I would add was, Barbara, we are, for  
13 instance -- I can only speak for DTSC. We do translate  
14 documents extensively. I would suspect that 40 percent of  
15 our documents that would go out -- that we send out to the  
16 general public in DTSC's case are translated. And ARB and  
17 other BDOs may have similar percentages.

18          The effort here in these guidelines was to unify  
19 how we do that. I think everybody's got their way of  
20 determining how to translate or how to get information.  
21 If you go a quarter of a mile, a mile interested parties,  
22 there's a standard that most BDOs already have.

23          My thought was how do we bring those together so  
24 that they's sensible, they make sense, and that they're  
25 consistent as well in terms of their approach.

1 I agree, there are some in here that flat-out  
2 we're wrapped in knots about and need to be worked out in  
3 a discussion of, "Well, how do we do that?" I couldn't  
4 put them down on paper because I can't speak for everybody  
5 here, including the Agency, as to how do we do that.

6 So I suspect a number of these will be fleshed  
7 out and answered in that process. But that's not to say  
8 that a particular BDO doesn't already have the answers  
9 somewhere and is already doing that. So --

10 CO-CHAIRPERSON TAKVORIAN: Can I just suggest  
11 that -- Barbara, I don't know if you were -- I mean we're  
12 not clear as to how we're going to move forward in terms  
13 of action. But -- I know that we've been taking some  
14 notes on this. But just based on your comments, I'm  
15 wondering whether you would want to ask the staff to come  
16 back with those actions that could be implemented  
17 immediately, what I would call short term, and then longer  
18 term, with the criteria being there seem I think to be  
19 some no-brainer kinds of actions that we have talked about  
20 and there are others that require time and probably money  
21 that may not -- we may not have access to right now that  
22 are going to take longer to work out, as you described,  
23 Jim.

24 But to have those that are going to take time and  
25 those that seem to be self-evident on the same time frame,

1 is what I hear you saying, seems wrong. So I'm wondering  
2 if that's something you want to move forward.

3 ADVISORY COMMITTEE MEMBER LEE: I guess I would  
4 need to hear if the rest of the Committee has got the same  
5 sort of take on this as I do.

6 CO-CHAIRPERSON TAKVORIAN: Well, if you put in  
7 the form of a motion, then people will be happy to add to  
8 it. If you don't want to, don't. But I just want to move  
9 us, because we need to I think take a break in 15 minutes.  
10 So is that okay?

11 ADVISORY COMMITTEE MEMBER LEE: But if we take a  
12 break in 15 minutes, I mean if we -- are we going to be  
13 done -- are you trying to finish up this item in 15  
14 minutes?

15 CO-CHAIRPERSON TAKVORIAN: It would be good to be  
16 done with this item, but we don't have to be.

17 ADVISORY COMMITTEE MEMBER LEE: So --

18 CO-CHAIRPERSON TAKVORIAN: But I'd like us to  
19 start putting a focus, a point on some of the discussion.  
20 If there's some specific feedback that we as a committee  
21 want to give -- and you had some quite specific things to  
22 say. And if you want to wrap those into a motion, I'm  
23 inviting you to do that. And then others can comment on  
24 that and we'll see if we have consensus.

25 ADVISORY COMMITTEE MEMBER LEE: Okay. I would

1 like to see Cal EPA come back to this Committee with a  
2 review of the public participation recommendations that  
3 takes each recommendation and says when it plans to  
4 implement that recommendation. And if it doesn't have  
5 plans -- if the Agency does not have plans to implement  
6 that recommendation in the near term, how far out it  
7 thinks it would be and what the barriers to implementation  
8 are and how it plans to approach those barriers. And in  
9 that motion is embodied the understanding that the Agency  
10 may say, "We don't plan to implement this recommendation  
11 for these reasons." And that it's within the Agency's  
12 purview to say that.

13 But rather than have us continue to review  
14 another recasting of the same recommendations we chewed on  
15 to death practically, I would like to cut to the chase and  
16 have you come back with, "Yes, we're going to do it now,"  
17 "Yes, we're going to do it later," "Yes, we'd like to do  
18 it, but we're not sure how," that sort of response.

19 That's my motion.

20 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: And I  
21 would add to that perhaps -- I'm not adding to the motion.  
22 But I just -- to understanding, I think we can identify  
23 for you what the BDOs are currently doing; because, again,  
24 looking through Joe's matrix, we do a lot of these things  
25 already, but they're not in a coordinated way.



1 CO-CHAIRPERSON TAKVORIAN: Okay. That would be  
2 good too. So if there are some of those that are  
3 currently being done and that's not being reflected, then  
4 that would be useful.

5 So if that's in the form of a motion, that has  
6 been captured --

7 ADVISORY COMMITTEE MEMBER LEE: It's in the form  
8 of a motion.

9 ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: I'll  
10 second Barbara's motion.

11 CO-CHAIRPERSON TAKVORIAN: Thank you, Larry.

12 And then did you have a comment?

13 ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: Yes,  
14 I have a comment.

15 Is this on?

16 There we go.

17 A couple of things. First of all, we sort of  
18 keep thinking of financial aspects as being sort of the  
19 Holy Grail out there. And everybody keeps saying, "Well,  
20 if we have money..." My thought is that if in doing what  
21 Barbara has suggested, we can have a listing of those  
22 things that might cost money and take money, and do we  
23 think of it in the way of some things are big projects and  
24 you need maybe an appropriate at the state level, other  
25 things are smaller things that you find opportunities to

1 fund those if you know it exists as a requirement.

2           So just if -- if throughout this time of  
3 discussing and thinking about money we knew there were  
4 smaller things that we could do if we had funds and those  
5 were down on paper somewhere, you often find resources  
6 through EPA or through Cal EPA, other organizations, where  
7 funds become available. And if you know the task is  
8 there, then you can find some available funds to deal with  
9 that.

10           So, if projects like this or some aspects of this  
11 need funding, maybe that becomes available and then that  
12 can be addressed along the way. Rather than waiting till  
13 the end and saying, "Well, now we're going to go out and  
14 find funding for this," we may have already been able to  
15 solve that by doing what Barbara's talking about  
16 quantifying this along the way.

17           The second thing I would like to suggest is that  
18 everything is not solved by having a statewide way to do  
19 it. And sometimes communities and smaller organizations  
20 can be very smart in developing their own local way of  
21 doing things that works for them. So I think we shouldn't  
22 see this public participation document as the end-all kind  
23 of a thing. In some cases it should be guidance rather  
24 than direction, and then guidance that allows smaller  
25 local agencies to come up with a way to solve a particular

1 problem within a set -- within a scope rather than saying,  
2 This is how you do it."

3 That's my comment.

4 CO-CHAIRPERSON TAKVORIAN: Okay. Thank you,  
5 Larry.

6 I had a couple comments that speak in part to the  
7 motion, but perhaps could be added.

8 My suggestions are: One, that we need to move  
9 away from a project-specific orientation that I think that  
10 the public participation policy or guidance has.  
11 Particularly in environmental justice communities, if we  
12 are only speaking to projects that come forward and only  
13 allowing public participation specific to that project,  
14 we're not getting at the environmental justice issues in  
15 communities.

16 And so when people come and tell you that they're  
17 concerned about your proposal to do whatever because there  
18 are all these other issues in their community, and you  
19 say, "Well, I can't listen to those," which is our common  
20 experience, that's not going to work. And I think this  
21 still has a very project-specific orientation to it.

22 Secondly, I'd say that there's not enough  
23 emphasis on early, which also includes broad, involvement  
24 public participation. So early doesn't mean the first  
25 application is out. But early is that it's an

1 environmental justice community, that it has a lot of  
2 issues, and that you anticipate there being some need for  
3 public participation.

4           And then also I think there needs to be a link  
5 between public participation staff and technical staff.  
6 Our experience is that there are some Cal EPA staff who  
7 are great at relating to communities and have some  
8 cultural competence and understand the cultural context  
9 and they have zero power within the agency. So  
10 communities feel exploited and that they've wasted their  
11 time when they speak with those people and then learn that  
12 they don't have much of a relationship at all with  
13 decision makers.

14           So those are the key things that I think we need  
15 to put forward. And then -- I don't know if it's 3  
16 anymore because I'm not sure where we are. But I would  
17 say that your thoughts about how to communicate with folks  
18 and that being computer oriented, you've identified that  
19 that is problematic in environmental justice communities.

20           But if that is associated with something we've  
21 talked about, which is funding, if there are grants,  
22 technical assistance grants that can be made available to  
23 communities, it may be cost effective to put computers in  
24 communities, in community centers, at community  
25 organizations where people can access them if they

1 don't -- if it's a community where people generally don't  
2 have those in their homes.

3           So there's plenty of places where that can  
4 enhance the community and may actually be cost effective  
5 in the long term if that's an effective way to  
6 communicate. And, again, not as a replacement.

7           So those are just a few things that I wanted to  
8 include. And if those can be -- I'm not sure how we want  
9 to proceed with the motion there. And I don't see any  
10 other cards. But I know that -- I asked if we could  
11 kind of take notes about what folks were saying around the  
12 table. So if we take a break now and then try to pull  
13 that together, perhaps we can have a more coherent motion  
14 to present to you all.

15           So why don't we take 15 minutes and come back.

16           (Thereupon a recess was taken.)

17           CO-CHAIRPERSON TAKVORIAN: All right. We're all  
18 back in the room.

19           Mily's back there.

20           LaDonna, are you going to join us again?

21           Antonio is not in the room. Oh, he's back there.

22           All right. So we were moving forward with an  
23 attempt to move a motion forward. And staff have done a  
24 great job of capturing some of the comments that we've  
25 made during the course of this discussion.

1           So I think if you can -- if we can just go  
2 through and begin to read these -- my thought is that the  
3 comment that Barbara made is one in which we're asking for  
4 action back from Cal EPA staff, and that the comments --  
5 most of the other comments are feedback to staff that we  
6 would like integrated into the guidance document and that  
7 may not require a complete response by the next meeting.

8           I'm trying to separate these two into let's have  
9 an action component in this motion. And then the rest of  
10 it could be: "These are all the points of feedback that  
11 you," staff, "received from the Committee and we'd like  
12 you to integrate these and be responsive to them."  
13 Because what I'm worried about is there's a lot here, and  
14 if we attempt to all agree with every one of these points,  
15 then I think we'll be here a very long time.

16           Would that work in terms of an approach?

17           Okay. Barbara.

18           ADVISORY COMMITTEE MEMBER LEE: Diane, it may be  
19 that if you line up some of the feedback with some of the  
20 recommendations that we're asking Mr. Marxen to get back  
21 to us on, they may line up real well. So it might be that  
22 in getting back to us on the recommendations, he can also  
23 say, you know, this addresses this piece of feedback that  
24 we got from the group.

25           CO-CHAIRPERSON TAKVORIAN: Um-hmm. That makes

1 sense.

2 So let's look at --

3 ADVISORY COMMITTEE MEMBER MAGNANI: Does that  
4 make sense to Jim?

5 CO-CHAIRPERSON TAKVORIAN: -- this first part,  
6 which I think -- oh, I'm sorry.

7 ADVISORY COMMITTEE MEMBER MAGNANI: Make sure  
8 that Jim --

9 ADVISORY COMMITTEE MEMBER LEE: Do I need to  
10 restate that? Was --

11 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Yes.

12 ADVISORY COMMITTEE MEMBER LEE: Okay. It sounded  
13 to me when I was listening to Committee member comments  
14 and public comments that you were getting today that a  
15 number of those comments were actually embodied in the  
16 recommendations that this Committee made in 2003. And it  
17 may be that if you lined those -- the comments you're  
18 getting today up next to the list of recommendations, you  
19 may see that alignment. And so when you get back to us on  
20 what you're doing about the recommendations, you could  
21 also make a note that you believe that addresses this  
22 comment that you got from the Committee at the same time.

23 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Okay.

24 CALEPA DEPUTY SECRETARY PRASAD: Barbara, just a  
25 clarification. You are expecting that -- the response

1 when you're saying Jim, you're expecting it from all the  
2 BDOs as Cal EPA, correct?

3           ADVISORY COMMITTEE MEMBER LEE: Well, what I had  
4 asked for was for Cal EPA, through some person -- and it  
5 looks like it's Jim, but it could be through you or  
6 somebody else -- sit down with the list of recommendations  
7 in the public participation section only of the document,  
8 because I understand that there's a lot of controversy  
9 about some of the other parts of the document, but to take  
10 that section and go through and with each recommendation  
11 say, "We're already doing this" or "We can start doing  
12 this in three months," or "we agree with this comment but  
13 we don't have the resources. We will pursue this through  
14 the next budget, if possible," or however you intend to  
15 respond, you know, to do something about the  
16 recommendation, including "we disagree with this  
17 recommendation" or "this is outside the scope of our  
18 authority," you know, whatever it is.

19           Now, if you're also including in that, you know,  
20 your suggestion of summarizing what the BDOs are currently  
21 doing, I think that's great. But my comment to Diane just  
22 now was along the lines of when you go through each of the  
23 recommendations in the report, the 2003 report, you may  
24 find that some of the feedback or a lot of the feedback  
25 you've gotten today lines up with a particular



1 recommendation. For example, some of what Mily was  
2 mentioning to you about what her group does and how she  
3 works within the community, I think is embodied in some of  
4 the relationship-building recommendations that are in the  
5 2003 document.

6           So you might be able to say, when you talk about  
7 how you're going to respond to that recommendation, that  
8 you think this also incorporates this concern that you  
9 heard from a Committee member today.

10           DTSC PUBLIC PARTICIPATION CHIEF MARXEN: I have  
11 the basis of that. And we've been taking good notes, so we  
12 should be able to deal with it.

13           But let me just for an example, so that I  
14 understand what you're looking for. In Joe's let's just  
15 take number 8 because it's on the first page, he talks  
16 about multiple ways of notifying the community for  
17 upcoming meetings, workshops and hearings, et cetera.

18 Excuse me. Yeah, that was the wrong -- "Distribute  
19 notices of materials widely throughout the community.  
20 Nonresponsive to Advisory Committee recommendations." I  
21 agree with that. I agree that what you received in this  
22 package does not address those.

23           It is something that has to be developed in a Cal  
24 EPA guide -- what we're talking about here is a Cal EPA  
25 document that says Cal EPA now does these things as an

1 entity in single BDOs. On the other hand, DTSC -- I can  
2 speak for DTSC -- does distribute materials. ARB does.  
3 Pesticides probably do. Everybody probably has an element  
4 in there. But there is no Cal EPA document setting a  
5 minimum or a standard.

6 CO-CHAIRPERSON TAKVORIAN: But in the same way --  
7 if I can interrupt you, Jim. The same way that you  
8 referenced the ARB complaint process, if there's a DTSC  
9 process, reference it. If there's another ARB process,  
10 reference it. So let's look at what we've got. And so in  
11 addition to looking at the obstacles, let's look at the  
12 resources that we have.

13 And then if we need to -- maybe in some areas  
14 every BDO is doing a great job even if it's a different  
15 job; apropos, your point, right? And then there's those  
16 areas where nobody's doing a good job at all or there's  
17 only one agency that's doing a good job. So let's focus  
18 on the areas where we really need it. And I think that's  
19 what we're looking for as an overall assessment.

20 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Okay.

21 ADVISORY COMMITTEE MEMBER LEE: So the response  
22 would look something like, you know, Recommendation 8:  
23 Distribute notices of materials widely, et cetera, et  
24 cetera, et cetera. And then next to it you would say,  
25 "Currently DTSC does, ARB does," whatever. And then maybe

1 in the next column say Cal EPA will have common guidance  
2 on this by this time, whether it's three months, six  
3 months, a year, whatever you think it would be.

4 CO-CHAIRPERSON TAKVORIAN: And perhaps -- not to  
5 make this complicated, but perhaps a priority on it. So  
6 if everyone seems to be doing something that's adequate  
7 and it's not a hugely high priority, then maybe it's a --  
8 you know, it's a 10 or something. And the ones where no  
9 one seems to understand how to do this -- and I think  
10 Barbara pointed to those in capacity building and  
11 relationship building -- that that's where we need to put  
12 our emphasis. So let's focus there instead of, you know,  
13 on some small point that we don't -- that isn't perfect at  
14 this point, but is good enough.

15 So if that's good, if we understand that, and if  
16 the first action here -- it's hard to speak into the mike  
17 and read. The eyes in the back of my head aren't working.  
18 Do an analysis of the CEJAC's public participation  
19 recommendations as to the following:

20 When will Cal EPA implement the suggested CEJAC  
21 recommendations? So that's the more detailed. How high a  
22 priority is it? When will it happen? Who's doing what  
23 now? And if unable to implement certain recommendations,  
24 state the obstacles as to why the recommendation could not  
25 be implemented at this time or whether it is outside the

1 scope of Cal EPA's authority. I think that we're hoping  
2 that it's not just we want it -- we can do this, we can't  
3 do these. That it's everything in between, so if it can  
4 capture that.

5 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Diane,  
6 just for the Committee's information, I went through these  
7 with Joe several times, and Shankar, and we've all been on  
8 the phone. The majority of these are doable within the  
9 context of what we're doing in terms of a Cal EPA  
10 approach. In terms of ones that we're unable to  
11 implement -- I can't remember specifically which one they  
12 were or what number -- there were very few.

13 CO-CHAIRPERSON TAKVORIAN: Yeah, yeah. But I  
14 think what Barbara said earlier is you may not agree, you  
15 may think this isn't a high priority even though it came  
16 out of the Committee, you may think that it's going to be  
17 too expensive to implement. So stay that, those are the  
18 obstacles. And then we'll have another chance to dialogue  
19 about it.

20 CO-CHAIRPERSON TAKVORIAN: Okay, great.

21 Is that good?

22 Okay. So if all that is captured in the first  
23 one, then I think what comes after that -- and  
24 Steve, tell me if I'm wrong -- the rest of it is try to  
25 capture everybody else's comments. So if we're good on

1 the first one, then can the rest of it -- what I want to  
2 make sure is that everybody's comments are included there,  
3 but without having to go over everybody's comments again.

4 So would it be -- can I fly this: Can we just  
5 look at these quickly and add anything that folks have to  
6 add, not making each of your comments perfect, and then  
7 ask if we can add items to that to Jim via e-mail or other  
8 ways of communicating?

9 I'm just trying to -- okay.

10 So if we start moving down -- wait, wait, wait.  
11 I think there was Larry's comments were before that.  
12 Yeah.

13 So, Larry, does that get it?

14 ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: I  
15 think Barbara's roles might -- the first one rolls it in,  
16 yeah.

17 CO-CHAIRPERSON TAKVORIAN: Okay.

18 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

19 On --

20 CO-CHAIRPERSON TAKVORIAN: Jose.

21 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

22 Just for clarification. Did you mention when you  
23 were speaking, Larry, in terms of local application as  
24 well?

25 ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: I

1 was just making a general comment that, from my  
2 perspective, the solution to these particular issues is  
3 not always a statewide directive that says you do it this  
4 way. It has to be done. But if it's being done in 20  
5 different ways across the state in ways that make sense in  
6 that local community, that may be just as effective and  
7 just as -- and that might be better for all of us than  
8 having a statewide guidance system, as one way to do it.  
9 That was just general comment. That wasn't relevant to  
10 the motion.

11 CO-CHAIRPERSON TAKVORIAN: Okay. So next, my  
12 comments.

13 Look good.

14 Mike?

15 ADVISORY COMMITTEE MEMBER DORSEY: That's fine.

16 CO-CHAIRPERSON TAKVORIAN: You got it. We could  
17 check it off. Delete.

18 Cindy? Those were very specific to the text.

19 ADVISORY COMMITTEE MEMBER TUCK: It captures it.

20 CO-CHAIRPERSON TAKVORIAN: Okay. And these were  
21 public comments, which I know you were taking notes. And  
22 we'll assume these notes capture some of it.

23 Is there more?

24 MS. DUMISANI: No.

25 CO-CHAIRPERSON TAKVORIAN: Okay. Are there

1 comments then that were not captured that other folks  
2 made? I think the issue of cultural context and cultural  
3 competence doesn't seem to be there. So what I wrote was  
4 ensuring cultural context in working within a cultural  
5 context.

6 ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA:

7 Within the community.

8 CO-CHAIRPERSON TAKVORIAN: Within the community.

9 So we could add that. So demonstration of that within the  
10 public participation guidance.

11 I think that's the first one. Or do you want to  
12 make that more specific?

13 ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: That  
14 dealt with training.

15 CO-CHAIRPERSON TAKVORIAN: Right. Okay.

16 And then to improve the surveying and profiling  
17 system that happens, I think it's related to cultural  
18 competence and cultural context to ensure that that's  
19 accurate in the community context.

20 Those were the other ones that I got.

21 Mike.

22 ADVISORY COMMITTEE MEMBER DORSEY: I just have  
23 one comment with regards to the electronic public  
24 participation tools. And I know you brought that up  
25 before Diane, that if there's some way we can enhance

1 that.

2           And I want to emphasize the word "enhance" and --  
3 my only concern with this is is that sometimes when we go  
4 electronic, we have the tendency to avoid actual public  
5 face to face. It becomes the modus operandi because it's  
6 easier. And I would hope that that just is a tool to  
7 enhance, not to avoid, and that the actual public  
8 participation face to face takes priority and continues to  
9 take priority.

10           CO-CHAIRPERSON TAKVORIAN: Okay. So to have  
11 computer-based or electric communication enhance public  
12 participation, but not take the place of face-to-face  
13 contacts, if we can get that up there.

14           Bruce.

15           ADVISORY COMMITTEE MEMBER MAGNANI: Yeah. And my  
16 comments regarding the -- when you're exiting the project  
17 or exiting, that you do more comprehensive, in-depth exit  
18 interviews, for lack of a better term, to assess the  
19 satisfaction of the community with the process in a  
20 face -- if it's possible, if you have the resources to do  
21 it. Not just, you know, pack your bags and leave once the  
22 project's over, but actually try and assess the level  
23 of -- I think the word I used was "saturation" or to find  
24 out whether there was a level of satisfaction by the  
25 community in the interaction of the process.



1 CO-CHAIRPERSON TAKVORIAN: So can we broaden  
2 that -- include those specifics but broaden it to say that  
3 there should always be an evaluation process and an  
4 assessment process to see how well we did, so that we  
5 learn from each --

6 ADVISORY COMMITTEE MEMBER MAGNANI: Right. The  
7 point I was trying to make is I think we have a level of  
8 confidence that they will meet their minimum requirements  
9 in doing their public outreach from a bureaucratic level.  
10 But will they assess the effectiveness of that public  
11 outreach? And I think that that's critical in making sure  
12 what you do on the next project is effective.

13 CO-CHAIRPERSON TAKVORIAN: Okay. Good.

14 And I -- anyone have anything else to add that  
15 you feel that you said that didn't get reflected?

16 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

17 I have a question.

18 CO-CHAIRPERSON TAKVORIAN: Yeah.

19 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

20 With respect to this being a guidance document, I  
21 just kind of want to know what would be the implications  
22 for local agencies to also realize this, take into  
23 consideration the flexibility as well, how -- I mean some  
24 of the folks who are here now perhaps -- Oh, I'm sorry.

25 But basically I just wanted to know -- engage

1 what would be the likelihood of this statewide guidance  
2 document, what would be the implications of it being used  
3 for the prospects of local agencies also abiding by it?  
4 If that's in fact something that would be plausible?

5 ADVISORY COMMITTEE MEMBER MAGNANI: Would it be  
6 abiding by or just being available as a resource document?

7 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

8 Yeah, as a resource document is kind of what I  
9 was talking -- not necessarily mandated, just --

10 ADVISORY COMMITTEE MEMBER MAGNANI: I would  
11 assume it's a public document, that -- you know. How  
12 locals find it or not, but it would be certainly available  
13 if they wanted to use it.

14 CO-CHAIRPERSON TAKVORIAN: Somehow I thought that  
15 the question was more than that, "I'm guessing that they  
16 can find it." But --

17 ADVISORY COMMITTEE MEMBER MAGNANI: You'd hope.

18 CO-CHAIRPERSON TAKVORIAN: Yeah. But it would be  
19 interesting to know what -- I mean there are a lot of ways  
20 those of us who are local organizations work hard with the  
21 local agencies to develop a relationship, and that the  
22 potential for that is greater because we're all in the  
23 same community. So in many ways it seems like they would  
24 be more successful -- they might be more successful.

25 So any local agency want to say anything about

1 how you'd feel about utilizing this guidance? Any local  
2 agency San Diego?

3           ADVISORY COMMITTEE MEMBER DORSEY: I think  
4 certainly a guidance document like this would certainly  
5 assist us in our public participation processes. So I  
6 would look forward to getting such a document as a tool to  
7 help me with public participation and the tools to use it  
8 in public participation. But I can only speak for myself  
9 as a local agency. I can't speak for all the other local  
10 agencies.

11           ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: And  
12 so I'm sort of -- I'm both. I can say an example is the  
13 land-use handbook that the Air Resources Board just  
14 published as a guidance document. But as a local agency,  
15 we're intending to send that out, a letter officially  
16 notifying all of the cities and the county that that  
17 exists. And while it is a guidance document, it certainly  
18 falls within -- the sheer existence of it and the fact  
19 that it's there is a useful tool. And understand CEQA it  
20 becomes more than guidance -- less than directive but more  
21 than guidance.

22           So this is useful to us having something like  
23 that. But I will always try to ensure that there's  
24 flexibility there for those local agencies and local  
25 groups to find a solution to issues locally where it's

1 possible and makes sense. That doesn't -- it's not  
2 impaired by state guidance but, you know, is enhanced by  
3 that.

4 CO-CHAIRPERSON TAKVORIAN: So perhaps what we  
5 could add is to ensure that the guidance that comes out of  
6 this process be -- that we're ensured that it is  
7 distributed to the local -- appropriate local agencies so  
8 that they know of its availability and they're encouraged  
9 to use it and evaluate it and build on it.

10 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

11 And also some level of meaningful integration,  
12 right? I mean if this process is discussing these things,  
13 at least include that to the extent possible.

14 CO-CHAIRPERSON TAKVORIAN: Okay. I have one  
15 other card that I have just received for public  
16 participation, public comment. So we're going to allow  
17 one other public comment, and then hopefully wrap our  
18 session up.

19 And now that you see what we're looking at, you  
20 can -- so Peggy Newman from CCAEJ.

21 ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN: I'm  
22 sorry to kind of crash in here. I wasn't going to speak  
23 on this topic because for the last 25 years I've been in a  
24 hundred forums where we've talked about how do you involve  
25 the public. And I thought, you know, this -- here we go

1 again.

2 By now we should have learned a few lessons. And  
3 so I wasn't going to say anything, but in listening to the  
4 discussion it came across to me again that we're talking  
5 about how the Agency's going to relay information to the  
6 community instead of listening to what the community has  
7 to say to you. And everything that we're talking about  
8 seems to be geared in that direction. And, again, we are  
9 missing the expertise that comes from that community.

10 We also, as Diane had pointed out, seem to be  
11 talking more on a project-by-project situation, which in a  
12 general public participation forum may be totally  
13 appropriate. For EJ communities, it's totally  
14 inappropriate. You know, they don't have just a facility  
15 being proposed in there or a change in land use or a  
16 change -- it is the entire community. That's what defines  
17 an environmental justice community.

18 So I think we need to keep putting ourselves back  
19 in that context, that we're talking about specific unique  
20 situations, although there are many of them, where you  
21 have communities who are impacted by a huge amount of  
22 pollution from different sources in a very  
23 disproportionate way. So they are unique. It's not just  
24 a general, you know, public participation that you would  
25 go through in order to meet your CEQA requirements.

1           And that's why this whole body has been created  
2 and why it is so important to so many of our communities.

3           I was struck -- I mean -- LaDonna had talked  
4 about the interviews and the evaluations in communities  
5 and how you get classified and stuff. And we went through  
6 the whole community relations plans and all of the  
7 interviews that are done. And the communities come to  
8 call them, you know, the CRPs, the community relation  
9 plans, as crap, because what comes out of it is somebody's  
10 outside view of what the community is, with no context of  
11 what the real life is there. And you include into that  
12 the people who have been over decades and have the history  
13 of placing these facilities, the pollution sources into  
14 the neighborhoods that are the ones who receive all of the  
15 negative impacts. And so you end up diluting the real  
16 focus of what happens by expanding the area until you  
17 don't have a real true picture of what the impacts are.

18           And so, you know, to do it into that kind of a  
19 context really doesn't have any meaning to the  
20 neighborhoods that are really being affected. Going ten  
21 miles out doesn't give you a picture of what's happening  
22 next door to that facility.

23           The other point I wanted to talk about is, you  
24 know, public participation is not just outreach. It is  
25 developing that relationship where you really get to

1 understand and really get to develop trust, and build on  
2 that so that you can address problems in a comprehensive  
3 way.

4           Shankar had mentioned that with the public  
5 participation you're really looking to the pilot programs  
6 to develop a rich way of dealing with this. And I just  
7 wanted to point out, as being in one of the communities,  
8 that is, the ARB pilot program in Mira Loma, that their  
9 public participation is not working. We have had one  
10 meeting on the pilot program. People were ready to sign  
11 up for the LAGs. We had people named. We knew the  
12 groups. Everybody was enthusiastic to go.

13           The meeting is now scheduled in July, before we  
14 even set up a LAG. In the meantime, we have -- ARB has  
15 eliminated those communities, Wilmington, Commerce, Mira  
16 Loma, from the discussions on rules that they are  
17 developing and instead have come out and opposed a bill  
18 that these communities sponsored in order to address the  
19 railroad pollution.

20           And instead of supporting the bill and working  
21 with us, they are saying, "Well, we're developing rules  
22 with all the stakeholders." The stakeholders that they  
23 were developing these with are the railroads, not the  
24 community. They have deliberately left us out of those  
25 meetings.

1           Those communities are right now reevaluating  
2 whether they're going to participate with ARB, because  
3 they don't believe they have the trust of that agency. If  
4 they can't even come to us and ask us what do we need to  
5 address the problems with the railroads, the rail yards  
6 next to us, how the heck can we trust them to go forward  
7 with a pilot program?

8           So even in trying to do this right now through  
9 pilot lot programs, it ain't working.

10           CO-CHAIRPERSON TAKVORIAN: Thank you.

11           So we have challenges. And, again, public  
12 participation's a critical component of pilot programs.  
13 So we want to pay attention to that.

14           Okay. So if folks have had an opportunity to  
15 take a look at what's up here. We have a motion, Barbara,  
16 that you made?

17           I'm sorry. LaDonna.

18           And let me just -- so Barbara -- and did someone  
19 second the motion?

20           You did, Larry. Thank you.

21           Okay. And so is it acceptable to you to include  
22 all of what's up here?

23           ADVISORY COMMITTEE MEMBER LEE: Yeah.

24           CO-CHAIRPERSON TAKVORIAN: Larry?

25           ALTERNATE ADVISORY COMMITTEE MEMBER GREENE:



1 (Nods head.)

2 CO-CHAIRPERSON TAKVORIAN: Good. All right.

3 So now we're speaking to this motion.

4 LaDonna.

5 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

6 Well, I've got a comment aside from this.

7 CO-CHAIRPERSON TAKVORIAN: We're going to try to

8 move this -- is it on public partition?

9 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

10 Yes, it is.

11 CO-CHAIRPERSON TAKVORIAN: Okay. So it does

12 relate to the whole --

13 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

14 Okay. I thought you were doing only specific

15 here. We're talking about the whole PP plan here?

16 CO-CHAIRPERSON TAKVORIAN: Yeah. If there's

17 something else that you think should be included in the

18 motion, then you should speak now.

19 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

20 Okay. Well, I'm not sure if it -- hers may cover

21 it, but I wanted to make a comment in addition to it.

22 And, that is, that I think -- you know, we're --

23 availability of information, I think a lot more emphasis

24 needs to be placed on that. DTSC again has failed. DTSC,

25 and I thank Cal EPA, because DTSC is a part of Cal EPA and

1 Cal EPA should be knowing what DTSC is or is not doing.

2           Our experience has taught us in this area here  
3 that they are not to be trusted, meaning DTSC. What has  
4 happened in the past -- and to move forward we've got to  
5 acknowledge what has happened in the past. And, that is,  
6 that Midway -- and I can only use my experiences at  
7 Midway -- well actually Zeneca site also -- with the lack  
8 of information, first of all, that the community has had  
9 to deal with, or the no information that the community has  
10 dealt with, only to discover the scope and the magnitude  
11 of the problem out there, so they were forced on their own  
12 to have to go in and self educate.

13           And then after we learned the process of forming  
14 a community group and coming to you all and trying to work  
15 with you in a formalized way, we realize your process is  
16 not community inclusive at all. When we are given  
17 recommendations, when we are making suggestions, what you  
18 have is a process that is set up to where it is just a  
19 front. We're there sounding off, we attend numerous  
20 meetings, only to discover that when you come to the table  
21 with the information that you do have, the decisions have  
22 already been made. It isn't that you're including the  
23 community's input or recommendations. It's basically just  
24 a front as community meetings, to review and give  
25 recommendations. And just like it's happened on our

1 Committee here, a lot of the recommendations are really  
2 pretty much ignored. And DTSC goes on, you know, business  
3 as usual.

4 CO-CHAIRPERSON TAKVORIAN: So we want to ensure  
5 that availability of information and early involvement --

6 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:  
7 -- from the very beginning --

8 CO-CHAIRPERSON TAKVORIAN: -- from the very  
9 beginning --

10 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:  
11 -- from the very beginning is available.

12 CO-CHAIRPERSON TAKVORIAN: Are there other  
13 points?

14 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: In  
15 not just sufficient time but adequate time. It's got to  
16 be, because that is an area where they really fail. And,  
17 that is, that even though they're required with the 30-day  
18 public comment or whatever, many times those decisions are  
19 already made well in advance without the community's  
20 input.

21 CO-CHAIRPERSON TAKVORIAN: So adequate time  
22 beyond public comment from the very, very beginning?

23 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:  
24 I think so.

25 CO-CHAIRPERSON TAKVORIAN: Okay. Good.

1 I'm sorry.

2 Good.

3 So are there other comments?

4 Okay. So we have a motion and a second.

5 All those in favor?

6 (Ayes.)

7 CO-CHAIRPERSON TAKVORIAN: Opposed?

8 Those abstaining?

9 Okay, great.

10 Thank you, Jim.

11 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Thank  
12 you.

13 CO-CHAIRPERSON TAKVORIAN: Hopefully that was  
14 helpful to you. And we'll look forward to seeing you at  
15 the next meeting.

16 DTSC PUBLIC PARTICIPATION CHIEF MARXEN: Okay.  
17 I'll be here.

18 (Laughter.)

19 CO-CHAIRPERSON TAKVORIAN: Good. Thanks.

20 So because we were moving so quickly, we have  
21 asked ARB, who have been ready also for one or two  
22 meetings -- I can't recall -- to go ahead and make their  
23 presentation on the Air Quality and Land Use Handbook.  
24 And Linda Murchison is here to do that.

25 And we appreciate your flexibility in moving up

1 by 24 hours.

2 I think one of reasons that the Agenda Committee  
3 asked for this presentation was because land use and --  
4 land use and the relationship of zoning to both the risks  
5 and exposures that community members experience was a  
6 critical aspect of the environmental justice  
7 recommendations that we adopted in 2003. And it seems to  
8 us that the ARB has really moved forward in that area and  
9 that it's something that many of us really want to know  
10 more about. And we're hopeful that others of the BDOs  
11 will take a lesson and perhaps do their own land use  
12 guidance in following with the ARB template.

13 So, Linda, thank you.

14 ARB ASSISTANT DIVISION CHIEF MURCHISON: Thank  
15 you. Hopefully -- am I close enough to this now that  
16 people can hear me?

17 Is that loud? It is on?

18 All right. I'll try to get very close.

19 (Thereupon an overhead presentation was  
20 Presented as follows.)

21 ARB ASSISTANT DIVISION CHIEF MURCHISON: I'm  
22 happy to actually share this with you. I'm going to talk  
23 a little bit about a document that we took to our board in  
24 April -- in fact, it was April 28th, and the board has  
25 approved now with some minor clarifications. And we're

1 making those clarifications right now. And so the final  
2 document's going to be available in about a week or so.  
3 And at the end of this presentation I have a website where  
4 you can find that. Although what I will do is I'll make  
5 it available to this group, make sure that you're notified  
6 of its availability so you can look at it.

7 --o0o--

8 ARB ASSISTANT DIVISION CHIEF MURCHISON: Just a  
9 little bit of background.

10 Back in 2001, the Air Resources Board adopted  
11 environmental justice policies. And the purpose of those  
12 policies really was to integrate environmental justice  
13 throughout all our programs.

14 One of the very specific policies that was in  
15 there was really a commitment to develop guidance on land  
16 use issues and sort of a directive to the staff to really  
17 work with land use agencies to try to start getting  
18 information related to air quality into some of the  
19 decision-making processes.

20 The whole concept of starting to look at land use  
21 really came out of our stakeholders group. This is a  
22 group that we've had in place for quite a few years. In  
23 fact, a number of the people in this Committee sit on that  
24 or sat on that during this process.

25 And, you know, community members brought to our

1 attention a lot of concerns about in communities where  
2 there are mixed use and there are houses, are residential  
3 areas, schools, day-cares, that are sort of intermixed  
4 with industrial sources or close to freeways, for example,  
5 where there's a large source of motor vehicles or  
6 heavy-duty trucks and diesel exhaust. And so it became  
7 clear that this was an issue that we really ought to start  
8 looking at.

9           In addition, we've been involved in community  
10 assessments for a number of years. And it became real  
11 clear to us as we worked in the communities and we went on  
12 toxic tours with some of the community groups that these  
13 were in fact issues that we should start addressing. And  
14 I think the concept was that we have a lot of information  
15 at the state level regarding sources of air pollution, and  
16 we should be sharing that with those who make decisions  
17 about where they place homes or schools or day-care  
18 centers. And so that sort of became the goal of the  
19 handbook.

20           Next slide please.

21                               --o0o--

22           ARB ASSISTANT DIVISION CHIEF MURCHISON: This is  
23 a little bit of an example of just some of the things that  
24 we saw early on. This picture Diane will recognize  
25 because it's from the Barrio Logan community. And I think

1 it was really one of our first experiences working at  
2 communities. And what became clear was that you can have  
3 very high elevated pollution levels at a very localized  
4 area.

5           For example, when you have a source of pollution,  
6 in this case it's a chrome-plating facility, next to a  
7 house -- and the picture up there you'll see, sort of the  
8 yellow structure, there is a home. It's actually nestled  
9 between two chrome-plating facilities, one on each side.

10           And so even though these sources are often times  
11 well controlled, being that close can result in elevated  
12 pollution levels at that location.

13           Next slide please.

14                               --o0o--

15           ARB ASSISTANT DIVISION CHIEF MURCHISON: The  
16 other thing that we've been involved for a number of years  
17 obviously is health studies. And there's been quite a bit  
18 of work done on traffic studies as linked to health  
19 effects to being too close to sources of mobile source  
20 emissions, and particularly when it involves trucks --  
21 heavy-duty diesel trucks.

22           Diesel particulate matter from the exhaust of  
23 heavy-duty trucks is a toxic pollutant. And it's one  
24 that's been identified at our board as being toxic. It  
25 actually is our -- one of our top concerns and top



1 priorities. Diesel PM contributes to about 70 percent of  
2 the known risk from air pollution in urban areas. So you  
3 can see this is an area that we clearly have a lot of  
4 concern about.

5           And some of the health studies have actually  
6 linked issues regarding respiratory effects, lung  
7 function, increased asthma and hospitalization,  
8 particularly for children when they're too close to these  
9 sources. And, you know, I think it's -- there's been  
10 legislation and issues dealing with where schools should  
11 be located and how close they should be, recognizing some  
12 of these studies. Diesel PM, as I said before,  
13 contributes to cancer, and it also contributes to  
14 premature mortality.

15           Okay. Next slide.

16                               --o0o--

17           ARB ASSISTANT DIVISION CHIEF MURCHISON: In your  
18 packet you'll see I'm skipping over one of your slides,  
19 but I'm actually going to come back to it towards the end  
20 of the presentation.

21           The focus of the handbook was to really look at  
22 what we called sensitive land uses. And that was a term  
23 that we kind of pulled together. What we're really  
24 talking about is that there are some groups in our  
25 populations that are particularly sensitive to air

1 pollution. That's children. Also elderly and those with  
2 preexisting health issues.

3           And children in particular, they're still  
4 developing, their lungs are developing, they're outdoors a  
5 lot, they breathe a lot, they're very active. And they're  
6 very sensitive to the effects of air pollution. And so we  
7 wanted to focus our land use document particularly on that  
8 group that are most sensitive. So we talk a lot in the  
9 handbook about the location of residences, schools,  
10 day-care centers, those places where sensitive receptors  
11 spend a lot of time. And we kind of termed -- created a  
12 term for those areas that we call sensitive land uses.

13           One of the things that we try to do in this  
14 document is saying that, you know, even though there are  
15 regulatory programs in place that are very effective at  
16 looking at regional air quality, that you can take an  
17 extra step, you can take a preventative action by just not  
18 siting those sensitive land uses too close to sources or  
19 certain types of sources. And that's kind of the premise  
20 behind what we have here in the document.

21           Next slide please.

22                               --o0o--

23           ARB ASSISTANT DIVISION CHIEF MURCHISON: Okay.  
24 The audience -- although this document I think is very  
25 useful to a lot of different groups, we really were

1 targeting land use agencies, and particularly those folks  
2 who make decisions about where things are sited. Local  
3 air agencies require a permit for air pollution sources.  
4 So we felt that that's being addressed through the permit  
5 process. But the flip side is, and that is when you  
6 already have sources in a community and you're siting the  
7 sensitive land uses, you're siting a new residential area  
8 or you're siting a school, a playground, you know, a  
9 community center, those are the things that don't  
10 necessarily go through a permitting process.

11           And so we wanted to be sure that when those  
12 people who make those decisions, that is, land use  
13 agencies, that they take into account air quality along  
14 with the many other variable that we clearly recognize  
15 that they have to take into account.

16           Next slide please.

17                               --o0o--

18           ARB ASSISTANT DIVISION CHIEF MURCHISON: And  
19 having said that, I think one of the things that we  
20 learned in this process is just how complex that is. It  
21 is not a simple decision to say, "Because there's that air  
22 pollution source, don't site there." There are many, many  
23 goals and issues that land use decision makers must take  
24 into account. But we're asking that air quality be one of  
25 those, it be one of the things that weighed, along with

1 the availability of housing, the availability of land and  
2 all the other life issues that one takes into account when  
3 you decide where you're going to build. A low income  
4 housing unit, for example, or, you know, a community  
5 center.

6 And so what we're really asking is that land use  
7 decision makers, you know, give some thought to this. And  
8 issues came up about this about, well, isn't that contrary  
9 to transit-oriented development or smart growth? And we  
10 don't believe it necessarily has to be.

11 What we're saying is that when you look at those  
12 kinds of developments, that you use some thought as to  
13 exactly where things go and maybe even look at how things  
14 are designed, for example. And one of the examples I  
15 always like to use is if you're locating a residential  
16 development with a day-care center near the freeway, you  
17 know, think about whether or not the day-care center  
18 should be on the freeway side or on the side furthest away  
19 from it. So sometimes design considerations can address  
20 some of the issues. It doesn't necessarily mean that you  
21 can't go there if it's the only option that you have.

22 And so those are the kinds of things that we  
23 discussed a little bit in the document.

24 Go ahead.

25 --o0o--

1 ARB ASSISTANT DIVISION CHIEF MURCHISON: Okay.

2 Let me talk just a bit about the approach we took here.

3 First, I think it's very important to say that the

4 handbook is advisory. The Air Resources Board does not

5 have jurisdiction over land use. It's really intended to

6 provide information and guidance to those who make

7 decisions about siting of the sensitive land uses.

8 What we do do in the document for our handful of

9 sources is really encourage separation when you're siting

10 of these sensitive land uses near those types of sources.

11 And this is really, as I said earlier, in addition to that

12 regulatory program that we have in place. Traditionally

13 we have had a very rigorous program to reduce air

14 pollution, but we've done it kind of on this regional

15 broad scale as we try to improve air quality to reach the

16 federal and state standards.

17 But this is really kind of an additional step

18 that complements, that helps prevent that additional kinds

19 of exposure that you might get from being too close.

20 In the document we have some very specific

21 recommendations for certain types of sources. And then we

22 also have some general recommendations where we didn't

23 have enough information to really be too specific.

24 Next slide please.

25 You can go on to the next one.

1                               --o0o--

2               ARB ASSISTANT DIVISION CHIEF MURCHISON:   Okay.

3   In developing the recommendations, I think one of the  
4   things that we had to do is that we pulled together what  
5   we had available.  You know, we -- and I think that was  
6   one of the concerns and complaints that we had heard, is  
7   that you have a lot -- we, meaning Air Resources Board --  
8   you have a lot of information available, but you don't  
9   really have it in a form that people can use, and people  
10  don't know where to go find that information.  So we  
11  relied on what we had in terms of health effects and the  
12  impacts of distance.  And most often we used a cancer risk  
13  as kind of a guide, as sort of information as to what  
14  types of separations would be appropriate.  But we also  
15  used noncancer, particularly in the freeway example, when  
16  we looked at respiratory issues and asthma, et cetera.

17               And we recognize that there are limitations to  
18  this data.  But it's the best information that we have.  
19  We think it's good information for providing guidance.  
20  And clearly, as more information becomes available, we'll  
21  provide that in various forms.

22               And the other thing that we did is that even when  
23  we did use risk, instead of setting a certain threshold  
24  and making our recommendations all match up to that  
25  threshold, we took more of a qualitative approach where we

1 said, "Where is the distance that would at least minimize  
2 the exposure" for that particular type of air pollution  
3 source? And so the thresholds vary quite a bit within  
4 their recommendations. But in each case it kind of  
5 minimizes, we think, the exposure -- the additional  
6 exposure that you would get from being too close.

7 Next slide.

8 --o0o--

9 ARB ASSISTANT DIVISION CHIEF MURCHISON: Okay.  
10 In your packet, if you'll flip back -- this is the one I  
11 jumped over because I had it out of order. This is an  
12 example, it's primarily freeway. And let me just comment  
13 about what's up there. The numbers on the side are  
14 particle number. That's sort of a concentration of  
15 pollution. It's not risk. I don't want people to think  
16 that those are risk numbers. And it looks at that drop in  
17 particle number as you go certain distances away from, in  
18 this case, the 405 Freeway and the 710 Freeway.

19 An important point here is that the drop-off in  
20 the exposure that you get drops off fairly quickly. The  
21 concentration's very high and then, consequently, the risk  
22 and exposure is fairly high when you're close to the  
23 source. But air disperses fairly quickly. And as you get  
24 further away, you get out 3, 400 feet, you've dropped  
25 maybe 70, 80 percent of your exposure. This is the

1 concept behind all of the recommendations that we have.  
2 And, that is, getting some distance out can actually drop  
3 your exposure 70, 80 percent. And that's the distance we  
4 thought was appropriate in providing guidance and saying  
5 don't be too much closer than that.

6 I will comment though one thing to keep in mind  
7 is that all of these are going to be based on the specific  
8 conditions of that location. And where you have very  
9 specific information such as wind direction or total  
10 volume of, in this case, vehicles on the freeway or  
11 heavy-duty trucks, you should be looking at that. But  
12 this is a general kind of example of what we see time and  
13 time again for all types of sources, and that's this  
14 concept of dropping off fairly quickly as you get out away  
15 from that source.

16 Next slide.

17 --o0o--

18 ARB ASSISTANT DIVISION CHIEF MURCHISON: Okay.  
19 Here's a summary of the recommendations. And actually the  
20 document goes into a fair amount of detail on this. And  
21 I'm going to go over it fairly quickly. But we did -- as  
22 I said, we based it on the information that we had. So we  
23 only addressed sort of a handful of sources. These are  
24 ones that we felt were most important. These are ones we  
25 had information on. And these were ones that also came



1 out of our discussion of our stakeholder group.

2           The distance is, once again, a guidance. It says  
3 basically in this case freeways are high traffic roads.  
4 And we do specify what that is. We say within 500 feet of  
5 urban roads that have about a thousand -- excuse me -- a  
6 hundred thousand vehicles per day or rural roads that have  
7 50,000 vehicles per day, that we'd recommend not siting  
8 those sensitive land uses within that distance.

9           Those volume numbers we use actually from state  
10 legislation, SB 352, which address the siting of schools,  
11 also uses those particular numbers.

12           Distribution centers. You've heard quite a bit  
13 about distribution centers, I know, from Penny, who's been  
14 very good at sharing information with us on this. Looking  
15 at some of the analyses that the South Coast had done and  
16 that we did based on our regulation for transport  
17 refrigeration units, we recommended a thousand feet within  
18 a distribution center of not siting sensitive receptors.

19           Major service and maintenance rail yard. Let me  
20 just clarify this a little bit. The Air Resources Board  
21 did a study just -- and released the information about a  
22 year ago, I guess -- maybe not quite a year now -- the  
23 Roseville rail yard. And it specifically was looking at a  
24 rail yard where there is maintenance operations going on.

25           So this is not just any rail yard. This is one

1 where many locomotives come, where they're being repaired,  
2 where they're idling for long periods of times. Based on  
3 that study, we recommended for that type of facility that  
4 not siting a sensitive receptor within a thousand feet of  
5 that. And really even within a mile or so, you know,  
6 using some considerations of siting of sensitive land  
7 uses.

8           Chrome platers. This was based on the work  
9 that -- actually I showed earlier this slide of the Barrio  
10 Logan example. We did a study actually at that house  
11 where we did a fair amount of intensive monitoring there.  
12 And so we had very good data where we actually measured  
13 hexavalent chrome, which is the main pollutant that comes  
14 from chrome platers, and how far out one could go before  
15 you no longer saw that. This is a fairly conservative --  
16 hexavalent chrome is a very potent substance. It's a  
17 carcinogen. We were very conservative here. We felt that  
18 a thousand feet was really necessary, recognizing the  
19 health impacts that that particular pollutant can have.

20           Perc Drycleaners, we recommend between 300 and  
21 500 feet. Now, I do want to just clarify that not every  
22 drycleaner has an operation on-site. Some of them are  
23 just storefront operations where people drop stuff off and  
24 pick it up. But where you do have machines there where  
25 they're actually doing cleaning, we recommend 300 feet.

1 And if there are two or more machines, we would recommend  
2 500 feet, not being within that distance.

3 And we would recommend never siting a sensitive  
4 land use like a home or co-locating a residence, for  
5 example, an apartment in the same building as a Perc  
6 Drycleaner.

7 Gasoline dispensing facilities. Now, I think  
8 it's important to say that your normal kind of little  
9 corner gas station usually is not a problem. Although we  
10 do have a number in here we recommend 50 feet for what we  
11 call a typical gas station.

12 But one of the things that we -- what we found  
13 out as we were looking at this is that there's a trend  
14 towards going towards these mega-stations. And these are  
15 sort of the Costco, you know, kind of -- what's that other  
16 place -- Sam's Club type stations where you have huge  
17 volumes of gasoline being pumped. I mean some of those  
18 stations in the South Coast are up to I think it was like  
19 15 million or maybe 19 million gallons.

20 This recommendation here for 300 feet really was  
21 based on an analysis of about 3.6. And it was based on  
22 data that had been collected and analyzed through CAPCOA  
23 actually when they were looking back at the Hot Spot  
24 program and gas stations.

25 But I did want to stress that the normal smaller

1 gas station is usually not a big problem. But just keep  
2 in mind, as we move towards these bigger and bigger  
3 stations, you know, this is one that one might be  
4 concerned about.

5 Let me just comment again about something I said  
6 earlier, and I want to be sure that it's clear. These are  
7 guidances, these are general kinds of recommendations  
8 where you have site specific. If you really know how  
9 close that receptor is, if you really know the meteorology  
10 and the wind conditions, if you know the actual level of  
11 activity, that using that information is really  
12 preferable. But where you don't have that, this is meant  
13 to kind of fill in that gap, to help guide people in  
14 making decisions and where they're going to be siting  
15 things when it comes to being closed to these types of  
16 facilities.

17 Next slide.

18 --o0o--

19 ARB ASSISTANT DIVISION CHIEF MURCHISON: There  
20 were other categories which are of concern, but we didn't  
21 feel that we had enough information to really give a  
22 specific distance here. The port activity -- and I think  
23 most people are aware there's a lot of work underway right  
24 now to do an analysis of ports to really understand the  
25 impact that ports have on the communities surrounding.

1 Their is a joint cabinet level working group between Cal  
2 EPA and BT&H, Business, Transportation and Housing, to  
3 really look at goods movement through California. And  
4 that includes doing analysis and a risk assessment of the  
5 ports.

6 I think once we have a better understanding of  
7 that, we can say more about this. We do know ports are  
8 huge -- do have a huge impact on communities just because  
9 of the number of diesel sources that they have there. And  
10 so I think in our thing we recommended just any time that  
11 you're downwind of a port, you really should be working  
12 with your local district to think about what's the most  
13 appropriate separation there.

14 Refineries. Refineries on an individual basis,  
15 they're among the largest, you know, when you look at  
16 individual industrial sources in California. They're well  
17 controlled. Usually the risks from refineries are  
18 relatively low. But there are other issues associated.  
19 Just their size. Often times there are complaints about  
20 odors. And concerns about upset conditions. So we  
21 recommended on the refineries that, once again, when  
22 you're downwind of the refinery, to really work with the  
23 local district on determining what the appropriate  
24 distance might be.

25 And then really when it comes to complaints about

1 air pollution, most of the complaints that local districts  
2 get and that we get really involve dust problems and odor  
3 problems. And so it's really not a good idea if you're  
4 going to be building a day-care center to put it downwind  
5 of something that has a strong odor, because it can affect  
6 how people feel. And people often times develop headaches  
7 or get nausea, whatever. So just using some common sense  
8 and not being too close to those, we thought certainly  
9 makes a lot of sense.

10 Next slide please.

11 --o0o--

12 ARB ASSISTANT DIVISION CHIEF MURCHISON: I did  
13 want to just put some context to all of this, because I  
14 think it's very important to kind of look at what it means  
15 relative to everything else. And what we have up here is,  
16 first of all, looking at urban air in California, usually  
17 is about 500 to 1,000 in a million, given all the sources  
18 of mobile sources as well as the industrial sources that  
19 go into that big regional -- I call it the big regional  
20 soup basically that hangs over urban air. I mean we feel  
21 that the toxic levels in urban air are still unacceptably  
22 high, even though there has been tremendous progress over  
23 the years to reduce that.

24 But that gives you a little sense of what it's  
25 like in that sort of urban background air.

1           Below we've listed here what are sort of ranges  
2 of risk if you just look individually at the sources that  
3 I've been talking about. For example, freeways, depending  
4 on the volume of the freeway and the conditions, can be  
5 between 300 and 1700 in a million. Rails, based on our  
6 Roseville rail yard, up to 500 in a million. And chrome  
7 platers, once again depending on the activity and the type  
8 of plating, how close it is, can be between 10 and 100 in  
9 a million. Perc Drycleaners, somewhere between 15 and 50.

10           So that just gives you kind of a sense of why we  
11 started looking at these and what it is relative to what's  
12 already there in urban air in California cities.

13           Next slide please.

14           You can flip to the next one.

15                               --o0o--

16           ARB ASSISTANT DIVISION CHIEF MURCHISON: Okay.  
17 Outreach plan. I was actually glad to hear Larry comment  
18 on his outreach plan for our document, because that is key  
19 to the success on this. We're at the state level. And  
20 even though we've made a lot of contacts over the past  
21 couple of years with local decision making groups and  
22 planning groups, we really are looking to the districts,  
23 our local districts who work closely with the elected  
24 officials in their jurisdiction to help us get this  
25 information out.

1           And so a number of the districts, particularly in  
2 the urban areas, have already come forward with a plan to  
3 do that. And so I think that's going to make this a real  
4 success. Because the key to this is getting this  
5 information in the hands of those people who do make  
6 decisions so that they can use air quality, as I said, as  
7 one of the many factors that need to be considered when  
8 they're siting sensitive land uses.

9           Next slide.

10                               --o0o--

11           ARB ASSISTANT DIVISION CHIEF MURCHISON: A  
12 question has come up a couple times about, you know, where  
13 do we go from here. Obviously information is going to  
14 become available. As we work on our regulations, as  
15 district work on regulations, we're going to find more  
16 information that can be used to help make recommendations  
17 on separation. We're going to find a mechanism, perhaps a  
18 website, where we can have this information available for  
19 use by other people. And also as we work in our pilot  
20 programs and special studies, you know, we're going to be  
21 finding additional information I think that will be useful  
22 and we'll make that available as it does become available.

23           Next slide.

24                               --o0o--

25           ARB ASSISTANT DIVISION CHIEF MURCHISON: Okay.



1 Here's the website. Right now we have posted -- we have  
2 up there the draft that went to the Board on April 28th.  
3 As I said, the Board approved the document. And they did  
4 make -- ask that we make some clarifications. It doesn't  
5 change any of the recommendations I've been talking about.  
6 But there were some places where things were a little  
7 confusing in terms of our intent. And we're making those  
8 clarifications right now. We hope to have it posted  
9 probably within a week or so, I hope. But this will be  
10 the location where it will be posted. And I will be sure  
11 that Diane or Shankar gets notice of when that's available  
12 so that everybody is aware and we can certainly provide  
13 hard copies to folks as well.

14 CO-CHAIRPERSON TAKVORIAN: Thank you very, very  
15 much, Linda. That was really informative.

16 And so I think -- if there are questions or  
17 comments from the Committee.

18 Cindy.

19 ADVISORY COMMITTEE MEMBER TUCK: I have a few  
20 comments, as somebody who participated in this.

21 My big comment is it all seems so simple now.

22 (Laughter.)

23 ADVISORY COMMITTEE MEMBER TUCK: Eighteen slides.  
24 It seems so easy. But what Linda didn't elaborate on was  
25 that this was a two-year at least process, lots of

1 meetings, lots of drafts, lots of issues. And a lot of  
2 those meetings were very painful. And I think it's an  
3 example of a success on an EJ project. And the key to  
4 that process was patience and persistence by ARB staff.

5 So thank you for your patience.

6 ARB ASSISTANT DIVISION CHIEF MURCHISON: Well,  
7 thank you. And you're right, I should have commented. It  
8 was a long process. But what made it work for us was that  
9 a number of folks, including folks here, stayed with that  
10 process for two or three years. And, you're right, it was  
11 painful, and times we had difficulty coming a to  
12 agreement.

13 And I think what was also different is that, you  
14 know, we had our working group of folks that we had worked  
15 with for a number of years, but it also brought to the  
16 table new stakeholders that we had not worked with as  
17 much. And these were low income housing advocates, you  
18 know, people from transportation agencies who hadn't  
19 followed the EJ stuff as much, and certainly a lot of  
20 additional community input. And so -- but, you know, in  
21 the end I think we've gotten a lot of positive feedback on  
22 this document and I think that all of that time and effort  
23 and everybody's effort here really made the difference to  
24 make it a successful document.

25 CO-CHAIRPERSON TAKVORIAN: Good.

1           Mily.

2           ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: I'm  
3 new to this Committee, so you have to bear with me.

4           The information that -- or this document was  
5 focusing only on freeway, only certain type of land use,  
6 and air quality?

7           ARB ASSISTANT DIVISION CHIEF MURCHISON: Right.  
8 The document -- let me just -- because a lot of the  
9 industrial sources are dealt with through the air district  
10 program, the local districts like Larry and Barbara, we  
11 felt that that was being looked at. And they issue  
12 permits and that those sources are assessed at that time.

13           But what we felt was an information gap or a gap  
14 in the process is that -- for example, if you have a  
15 community and it has sources and those sources are  
16 controlled, you know, that looks good. But then you have  
17 encroachment on those sources or encroachment, for  
18 example, on next up close to freeways, where housing  
19 development is being put in or schools are being put in,  
20 And that didn't have a process where you go through a  
21 permit. And we felt that that was sort of a gap, that we  
22 thought we could help by sharing information about what it  
23 means to get too close to those sources.

24           And so the document was really targeted at those  
25 people who, for example, work on planning commissions or

1 city councils who make decisions about where those kinds  
2 of sources go, because we felt we needed to share with  
3 them information about air pollution. So that when they  
4 put those types of sources close to air pollution sources,  
5 they -- or put those types of facilities, like houses, too  
6 close to air pollution sources, they understand the  
7 impacts of that or they take that into account when they  
8 make their decision.

9           The specific examples that we listed were based  
10 on what we consider to be important types of sources of  
11 emissions. And they were things that we also had  
12 information on because we really wanted to include what we  
13 had, recognizing there are many others that we could  
14 develop over time, but that's what we had that we felt  
15 comfortable recommending separation from.

16           But the target really was and the goal of this  
17 was really to look at the flip side, not the siting of the  
18 pollution source but the siting of the houses or the  
19 residential developments that sort of encroached on those  
20 sources.

21           ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: The  
22 reason why I was asking this is because unless it's  
23 somewhere else in terms of the communities that live right  
24 next to the agricultural fields, a lot of schools right  
25 next to the groves, which are constantly being sprayed,

1 and there's a lot of drift of all that pollution also --  
2 where is that information?

3 ARB ASSISTANT DIVISION CHIEF MURCHISON: Yeah,  
4 the focus on this really was probably more on urban areas.  
5 Although we do have in our document that -- we have a list  
6 of other kinds of sources to think about, and we do have  
7 ag operations there. But we didn't have information to  
8 really go into a lot of detail in terms of separation.

9 I think -- and correct me if I'm wrong,  
10 Shankar -- but in the DPR pilot project, I mean they will  
11 be looking at the impacts of those -- of pesticides or  
12 being close to the fields.

13 CALEPA DEPUTY SECRETARY PRASAD: They will be  
14 measuring for the pesticide level. That's what I gather.  
15 And actually they are also looking at this land use  
16 document and expanding it and potentially thinking that  
17 they can also develop a similar document.

18 CO-CHAIRPERSON TAKVORIAN: DPR has said that.

19 I think your comment is an important one. And  
20 one of the reasons that we wanted to have ARB present was  
21 to say, "So, Cal EPA, can you look at the applicability of  
22 this kind of land use guidance and separation of uses in  
23 the other boards, departments and offices? And how might  
24 it be applied in a pesticide situation, in a situation  
25 where you have a waste for the Waste Board," for instance.

1 I think for every one there's a different application.  
2 But that is something that we wanted to put before the  
3 Committee and say, so do we want to encourage Cal EPA to  
4 encourage all the boards, departments and offices to take  
5 a look at this?

6           ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: Well,  
7 the reason is, some years back -- I'm not going to say how  
8 many, but some years back -- I worked with an agency that  
9 was approached by workers that had been affected, and they  
10 were people that were palm tree workers. They were right  
11 next to several schools, you know, where the blocks were  
12 of palm trees states. And one of the things that happened  
13 is that the workers came because they were -- they were  
14 not necessarily at the site when it was being sprayed, but  
15 apparently something was happening with so much of the  
16 application being done. And so we got -- even CalOSHA  
17 came down. And I'm not sure if EPA also. But there was a  
18 study that they did. And not until people got injured,  
19 you know, there was a response.

20           And the concern that I've always had is many,  
21 many other cases have gone this way -- or issues we have  
22 encountered this way -- is that what we found out was that  
23 the amount of application that was done in terms of  
24 talking about control -- and apparently that's supposed to  
25 be controlled -- the times and amounts of gallons of

1 applications that was supposed to be, it was -- we found  
2 out it was 14 times the amount that was supposed to be  
3 sprayed.

4           So I mean it's -- for me, it's -- it wasn't just  
5 the application itself. It was not monitored. It was --  
6 you know, just many different things there. And children  
7 were right next to the groves.

8           CO-CHAIRPERSON TAKVORIAN: Thank you.

9           Okay. So we have Larry and then LaDonna and then  
10 Jose.

11           ALTERNATE ADVISORY COMMITTEE MEMBER GREENE:

12           Yeah. I guess the question is, and there's  
13 already some answers being worked on as next steps, what  
14 do you do with this information? And you need to be able  
15 to integrate the information we have at districts about  
16 stationary sources with this information about the area  
17 sources such as roads and so on and eventually be able to  
18 provide to people who are making land use decisions a tool  
19 that's useful in saying, okay, so what's the risk to this  
20 project? How should we be siting this project and  
21 ultimately providing that to people who are developing the  
22 projects very early, the developers, the people who are  
23 doing the zoning and other things such as that, so that we  
24 make better decisions earlier so we don't waste people's  
25 money and time?

1           And I think we are moving in that direction.  
2   We've already talked and are working with Air Resources  
3   Board for hopefully a preliminary modeling tool that will  
4   allow us to some degree integrate what we know about  
5   stationary sources with this, and then provide to cities  
6   or to planning agencies a picture of what that particular  
7   site looks at, based on the information we have available,  
8   and with the goal of ultimately making better decisions,  
9   earlier decisions and saving everybody money in the long  
10   run and doing a better job of siting facilities.

11           CO-CHAIRPERSON TAKVORIAN:   Okay.   LaDonna.

12           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:   I  
13   heard -- it's Linda, right?

14           ARB ASSISTANT DIVISION CHIEF MURCHISON:   Yes.

15           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

16           -- Linda and Cindy both say that it was a  
17   success.

18           Is that just you guys' opinion or is that the  
19   opinion that you have gotten from community groups?   And  
20   were they able to evaluate this handbook that makes you  
21   all feel that it was such a success?

22           ADVISORY COMMITTEE MEMBER TUCK:   Just one thing  
23   in response to that.   I went to the Board meeting, the Air  
24   Resources Board meeting where they approved the document.  
25   And it was held at night in El Monte, with translation, a



1 lot of the things that the Committee had suggested back in  
2 2002, 2003. And unfortunately Joe Lyou couldn't be here  
3 today and Jane Williams. But if they were here, I think  
4 they would speak in strong support.

5 And, Diane, of course was at that meeting  
6 speaking in support and Barry Wallerstein was speaking in  
7 support. And you don't have many work products at ARB  
8 where you see an EJ organization, the South Coast Air  
9 District, and a major business organization all hand in  
10 hand supporting something. And to me that says it's a  
11 good document.

12 CO-CHAIRPERSON TAKVORIAN: We definitely  
13 supported it. We've been working on buffer zones,  
14 separation. And, with all due respect, it has to go both  
15 ways. We don't believe that stationary sources are  
16 perfectly controlled and shouldn't. But that's my -- and  
17 I said that in public and they've heard it. And that  
18 we've got to get lots of other things.

19 But the proof is in the doing. I mean is this  
20 going to happen? Can we get -- I just told Cindy that the  
21 Center City Development Corporation in San Diego has  
22 proposed a 40-story condominium complex 50 feet from a  
23 tank farm. So it's not working yet. But I have a  
24 document that I can wave around and -- in addition to the,  
25 you know, 50 people that would show up.

1           So you're right. It hasn't worked yet. But it's  
2 the first time in many years that an agency has said,  
3 "Yeah, community you're right. These uses should not be  
4 on top of each other."

5           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

6           Okay. So within this handbook or I guess this  
7 process, is there something in place that is going to be  
8 measuring the success of the percentage of either  
9 elimination or reduction of affected communities? And  
10 then also, how does this affect the current siting such as  
11 schools and communities that are, you know, currently -- I  
12 mean it's supposed to prevent some of this. But what  
13 about now and what are the next actions?

14          CO-CHAIRPERSON TAKVORIAN: So what's the  
15 evaluation process for this? Yeah.

16          Larry.

17          ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: To  
18 respond directly to that question.

19          Of course for sensitive receptors such as schools  
20 and so on, this is a very effective document because we  
21 comment on all of those and we speak directly. I think  
22 that it would be very, very hard in my district area to  
23 site a school in a hazardous area. I'm not saying that  
24 it's impossible to do. I'm saying that there is a lot of  
25 pressure not to do that, and we get -- but through CEQA we

1 get a very strong leverage through this document.

2 As far as a condominium project or some other  
3 project, the land use folks are going to have to balance  
4 all the options in that regard.

5 But I do think that this provides a very strong  
6 tool for districts and for local advocates to use in  
7 saying -- and standing up in front of planning commissions  
8 and saying, "We have a real document here and some real  
9 numbers."

10 So I think it's an effective tool. Is it the  
11 last tool, the final tool? No. It requires work at the  
12 local level by the people -- by the communities and by the  
13 agencies to make this happen. So --

14 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

15 And just real quick. Are you -- and, I'm sorry,  
16 I don't know your area. But is your area considered an EJ  
17 area?

18 ALTERNATE ADVISORY COMMITTEE MEMBER GREENE:

19 Well, it's all of Sacramento County, so we have some EJ  
20 areas there. But it's probably not as EJ as you might say  
21 San Diego or some parts of Los Angeles. But --

22 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: So  
23 those areas that are EJ, would it be just as difficult to  
24 site in those specific areas as opposed to some of the  
25 other affluent -- because I think of in our area -- in the

1 Bay Area, we have San Ramon and Danville, and then we have  
2 Midway and Richmond and Pittsburg. And it's so much more  
3 easier to site in those EJ areas as opposed to Danville  
4 and San Ramon, which is, you know, right in that same  
5 area.

6 ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: I  
7 would say that the handbook applies wherever the location  
8 is. It applies in Del Paso Heights, it applies in North  
9 Natomas, it applies in Citrus Heights, you know, the  
10 same -- it's an effective tool for those people to be  
11 looking at. So it's a local tool for people to use in  
12 those areas.

13 ARB ASSISTANT DIVISION CHIEF MURCHISON: And if I  
14 could just maybe comment on how one measures the success.  
15 I mean one of the things that our board did ask us to come  
16 back in about 18 months is to come back and talk about how  
17 well it's worked and how it's been used. Just since the  
18 April 28th board hearing we've gotten a lot of calls from  
19 cities saying, "We have the document. We're looking at  
20 it. We want to be sure we understand it." So we know  
21 it's being used. I think the thing is, over time to  
22 track, you know, what is the outcome of that use.

23 But what I think is really important about it is  
24 that prior to our starting this, which was two and a half  
25 years ago, you didn't hear a lot of this discussion. And

1 I think one of the comments that I've gotten from one of  
2 the people who participated is that the most important  
3 thing about this document is that it's raised the debate.

4           People are talking about it. They're talking  
5 about it in communities. They're talking about it in city  
6 councils, on planning commissions, they're talking about  
7 it at air districts. And that's important, because that  
8 means that you now have to think about that and you have  
9 to consider air quality as one of the many elements that  
10 go into making a decision.

11           And I think community members can use this  
12 document as a tool too. You have some something in  
13 writing from a state agency that says, Take this into  
14 account." And you can use that as a tool.

15           CO-CHAIRPERSON TAKVORIAN: Okay. Jose.

16           ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA: As  
17 it's been noted, when it comes to local land use decisions  
18 there's an array of local agencies, governments that  
19 participate in that activity. Has there been any  
20 assessment, any discussion with respect to the kind of  
21 structural logistical coordination that would have to take  
22 place amongst all these, you know, varying agencies and so  
23 forth about how best to make sure one hand is speaking to  
24 the other when it comes to land use decisions and so  
25 forth?

1           ARB ASSISTANT DIVISION CHIEF MURCHISON: Yeah,  
2 that was really a key message in the document. And in  
3 particular we say a number of times that local, you know,  
4 land use decision-making agencies need to be working with  
5 their local air district. One of the very first things we  
6 did when we started looking at this was asking that  
7 question of how often does that happen. It happens -- you  
8 know, in some cases it happens a fair amount, depending on  
9 the agencies. But in many, many cases it wasn't happening  
10 at all. And so coordination at the local level, because  
11 these are local decisions, coordination is very, very  
12 important and that's a very key message through the  
13 document that we would encourage.

14           ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA: Are  
15 there any particular recommendations on how best for these  
16 agencies to have that discussion or to discuss? Would  
17 there be merging of agencies or -- I don't know -- per se?

18           ARB ASSISTANT DIVISION CHIEF MURCHISON: No. I  
19 mean these are local decisions. And we can provide  
20 information, but we can't tell them how to organize  
21 necessarily.

22           But once again, you know -- and a good example  
23 is, in the southern California area, already the district  
24 and SCAG, which is the regional planning agency, are  
25 working very closely together to incorporate some of the

1 things that the South Coast District has put together as  
2 well as the information we have in our document into the  
3 planning their comprehensive plan. So there's an example  
4 where already coordination has started. And, in fact,  
5 some of the recommendations are being folded into a  
6 broader regional plan.

7 CO-CHAIRPERSON TAKVORIAN: Okay. Thank you.

8 And then Barb -- no.

9 Barbara, did you have a -- no you're down now.

10 Okay. Antonio.

11 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Well,  
12 actually, Linda, you alluded to part of what I was going  
13 to ask about, which is -- as you said, and what I know of  
14 the document, it is very useful, it's a very useful tool  
15 for community organizations advocates to relate to local  
16 planning agencies, et cetera. But I guess my question  
17 before you made that comment though was: In terms of the  
18 outreach plan you talk about partnering local air  
19 districts and encouraging land use agencies to use the  
20 document. But I wonder how much of the outreach is  
21 focused on the advocacy side and the community side?  
22 Because as we know, it's often the case that local  
23 agencies respond when also concerned residents and  
24 advocates are pushing them to use tools, policies that are  
25 implemented at the state level. So I just wanted to get a

1 sense of what's happening on that end of it.

2 ARB ASSISTANT DIVISION CHIEF MURCHISON: Yeah,  
3 and that's a very good point. I know the groups that we  
4 work with, we certainly have talked -- in fact we had a  
5 number of community representatives on the stakeholder  
6 group that worked on this. And so that information is at  
7 least in their hands.

8 Diane has suggested putting together, you know, a  
9 workshop in San Diego. And I'm sure that a lot of her  
10 community members will be there as well.

11 So I think your point is really good, that we  
12 also need to be sure that we're doing as much outreach to  
13 be sure that community members have this document. And I  
14 think that that's happening actually.

15 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Okay.

16 CO-CHAIRPERSON TAKVORIAN: Hello.

17 CO-CHAIRPERSON ALLEN: Hi. How are you?

18 CO-CHAIRPERSON TAKVORIAN: Good. How are you?

19 CO-CHAIRPERSON ALLEN: I'm fine.

20 I just have actually a comment on this.

21 CO-CHAIRPERSON TAKVORIAN: Do you want to  
22 introduce yourself.

23 CO-CHAIRPERSON ALLEN: Oh, okay.

24 I'm Dee Allen, Co-Chair. I made it. I've been  
25 trying to get here since 8 o'clock this morning. But I'm



1 here, and just in time for a local land use document.

2 But, anyway, I guess my comment is, in terms of  
3 specific recommendations as a city whose dealt with new  
4 development and also existing development, that ARB as an  
5 agency should not now say, "Okay, the document is done.  
6 We've done all this work," and leave it on the shelf. And  
7 I think that when you're working with local governments,  
8 it's really a hands-on approach. And it's very difficult,  
9 I know that. But I think when there are significant  
10 projects in a jurisdiction, that ARB needs to be able to  
11 provide some resources, technical assistance to a local  
12 jurisdiction to really work with them on what we're doing.

13 I mean in a city -- I have the luxury of paying  
14 attention to environmental stuff. But not every city does  
15 that. And so just as you went out and did specific  
16 meetings -- we had a number of meetings to do this  
17 document -- I think that you still need to build that into  
18 your strategy. And I know it costs a lot, it's resource  
19 intensive. But I think that's where you're going to see  
20 your results. So when I call you or a city calls you and  
21 says, "Look. We've got this significant project that's  
22 going to be going. We want some advice from you on how we  
23 should be addressing and answering those questions before  
24 I go forward," would be very, very helpful.

25 So I guess what I'm asking is that, as you look

1 at your work program for evaluation and further  
2 implementation, that you dedicate some time and resources  
3 to providing that hands-on support that cities will need  
4 in order to make this a success.

5 ARB ASSISTANT DIVISION CHIEF MURCHISON: Yeah.

6 And just a note on that. We've already been approached by  
7 the South Coast to work with them, partner with them when  
8 they do the outreach on their air quality -- their model  
9 air quality element. So we will be doing a series of  
10 meetings through the South Coast, talking to cities and  
11 counties about --

12 CO-CHAIRPERSON ALLEN: And let me just say this.  
13 I will say that the document is very broad, it's policies  
14 and all. It really doesn't hit a city until there's a  
15 specific project on the table. That's when you really  
16 sort of pay attention to, "Okay, we've got issues and we  
17 need to deal with these air quality issues soon." So I  
18 think that -- I would agree that you have workshops and  
19 the general workshops. But also allow some time for some  
20 specific technical assistance on specific projects that a  
21 local jurisdiction may have. They may be aware that there  
22 are environmental impacts, but also need some assistance  
23 about what we should be looking at. And that would help  
24 everybody. So it's a two-fold thing.

25 Thank you.

1 CO-CHAIRPERSON TAKVORIAN: Great. Thank you.

2 Okay. If there aren't any other questions or  
3 comments for Linda, I would like to know if there's an  
4 action or recommendation that this body would like to make  
5 in order to encourage Cal EPA to look at this as a model  
6 and ask the other BDOs to think about how they might use  
7 land use guidance to enhance the work that they do. And  
8 that was kind of the focus point of asking ARB to come  
9 forward with their model, if you will.

10 So thoughts?

11 Barbara.

12 ADVISORY COMMITTEE MEMBER LEE: Is it possible  
13 that Cal EPA could have each of the other BDOs look at the  
14 ARB document and see if they have -- I don't want to use  
15 the term "no-brainer" because in the two and a half years  
16 that we worked on this thing, it turned out there were  
17 very few no-brainers, even though we went into it thinking  
18 there were quite a few.

19 If there are in their separate media or areas of  
20 jurisdiction things that can be distilled down into simple  
21 statements and guidance that would parallel what ARB has  
22 done from an air perspective so that a planning body that  
23 is trying to use the document would be able to look across  
24 media and see if there are multimedia effects that they  
25 can be aware of or minimize or address in the design of

1 their project.

2 CALEPA DEPUTY SECRETARY PRASAD: I always get  
3 perplexed when somebody says multimedia effects, because I  
4 still don't know what -- how to go about it. That's the  
5 number 1 question. So we all know that it is there. But  
6 how do we go and evaluate, that I think is a million  
7 dollar research question at this point of time. That's my  
8 personal opinion on that.

9 But as far as the other BDOs' interests are  
10 concerned, that can they do it, should this body be given  
11 a recommendation, certainly I'll make sure to carry it and  
12 certainly give you a feedback at the next meeting.

13 And as far as the DPR, Department of Pesticide  
14 Regulation, is concerned, they have said themselves that  
15 they are looking at this and hopefully they should be  
16 generating one in the near future.

17 CO-CHAIRPERSON TAKVORIAN: So do we feel like  
18 that's sufficient? I mean it seems like Cal EPA's open to  
19 doing that if -- you want to leave that informal? Is that  
20 fine?

21 Okay, great. Thank you.

22 Okay. Thank's, Linda.

23 And then you'll be available for technical  
24 assistance for all the other BDOs that --

25 ARB ASSISTANT DIVISION CHIEF MURCHISON: I think

1 so.

2 CO-CHAIRPERSON TAKVORIAN: Okay. Well, we  
3 added -- we put an additional item on our agenda. And  
4 we're an hour and six minutes early.

5 So I think we ought to all get a hand for that.  
6 That's very good.

7 Thank you, thank you.

8 (Applause.)

9 CO-CHAIRPERSON TAKVORIAN: So tomorrow we're  
10 starting at 8:30 a.m.

11 And I know who's going to be sitting here in  
12 front of witnesses.

13 (Laughter.)

14 CO-CHAIRPERSON ALLEN: Yes, I owe you.

15 CO-CHAIRPERSON TAKVORIAN: There's no planes to  
16 catch. I'm going to call you.

17 CO-CHAIRPERSON ALLEN: I will be here. I will be  
18 here.

19 CO-CHAIRPERSON TAKVORIAN: Okay. And so we all  
20 have the agenda.

21 Let me just say a couple things. One is that  
22 if -- I just want to thank all the alternate -- thank  
23 everybody who was here, but particularly the alternates  
24 who were able to come forward, some at the last minute,  
25 some planned.

1           Greg, we didn't really even welcome you. Thank  
2 you for being here.

3           And the importance of having an alternate  
4 identified is really critical. We even noticed that  
5 today.

6           So if you have not identified an alternate and  
7 have not given that letter to Shankar or Jeanine, please  
8 do so. Because obviously it's important, because we were  
9 worried for a few minutes that we might not have a quorum.  
10 And we're happy that that didn't happen. So if you could  
11 please do that.

12          Anything else?

13          Reminders?

14          Oh, the dinner sign-up sheet is lost apparently.

15          Jose.

16          CALEPA DEPUTY SECRETARY PRASAD: Whoever wants to  
17 go there, we can all walk over together.

18          CO-CHAIRPERSON TAKVORIAN: Okay.

19          All right. Thanks so much. So we'll see  
20 every --

21          ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

22          Could I ask a question real quick?

23          CO-CHAIRPERSON TAKVORIAN: Sure.

24          ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

25          On tomorrow's agenda, with the Midway

1 presentation, I know because the others are considered  
2 pilot projects, there's a time for public comments. But  
3 there will be members of the community here. Will they  
4 have an opportunity to speak? Because I think they were  
5 prepared to come for 1 o'clock. I don't think they were  
6 prepared to come earlier. Plus they wouldn't be  
7 commenting on -- during those other time slots, right? Or  
8 probably comment.

9 CO-CHAIRPERSON TAKVORIAN: So you're asking about  
10 public participation during Item No. 7?

11 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

12 Yes.

13 CO-CHAIRPERSON TAKVORIAN: So I think the thought  
14 from the Agenda Committee was that the community  
15 perspective from Midway Village would be in that second  
16 bullet there.

17 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: It  
18 would be included?

19 CO-CHAIRPERSON TAKVORIAN: Yeah.

20 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

21 Okay. It wasn't listed, so I didn't know.

22 CO-CHAIRPERSON TAKVORIAN: Okay. So we'll see  
23 you all tomorrow at 8:30.

24 Thanks.

25 (Thereupon the California Environmental

1           Protection Agency, Environmental Justice  
2           Advisory Committee meeting recessed at  
3           5:00 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California Environmental Protection Agency,  
7 Environmental Justice Advisory Committee meeting was  
8 reported in shorthand by me, James F. Peters, a Certified  
9 Shorthand Reporter of the State of California, and  
10 thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or  
12 attorney for any of the parties to said meeting nor in any  
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 this 21st day of June, 2005.

16

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